

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

- 8.05 Abandoned Vehicles**
- 8.10 Recycling Service Areas**
- 8.15 Solid Waste Disposal**
- 8.20 Infectious Waste**
- 8.25 Hazardous Waste**
- 8.30 Litter Control**
- 8.35 Nuisances on Highways and Rights-of-Way**
- 8.40 On -Site Sewage Systems**
- 8.41 Restriction of On-Site Sewage Systems in Ford's Prairie & Waunch's  
Prairie Areas**
- 8.45 Solid Waste Rules and Regulations**

[Codifier's Note: Resol. No. 99-515, transferred the community development division of the Public Services Dept. into the Dept. of Community Development, and the public works division of the Public Services Dept into the Dept. of Public Works; environmental services was transferred to the Department of Health and Social Services. Where noted, the text of this Title has been corrected to reflect departmental reorganizations.]

## **Chapter 8.05**

### **ABANDONED VEHICLES**

#### **Sections:**

- 8.05.010 Incorporation of findings.
- 8.05.020 Title.
- 8.05.030 Definitions.
- 8.05.040 Vehicle or vehicle hulk on private real property.
- 8.05.050 Vehicle on public thoroughfare.
- 8.05.060 Vehicle hulk on public thoroughfare.
- 8.05.070 Keeping of vehicle hulk on private real property.
- 8.05.080 Dismantling without removal.
- 8.05.090 Enforcement duties of sheriff.
- 8.05.100 Declaration of nuisance.
- 8.05.110 Abatement procedure.
- 8.05.120 Violation - Penalty.

#### **8.05.010 Incorporation of findings.**

The findings and recitals of the ordinance codified in this chapter are hereby found to be true and correct and are hereby adopted as the express findings of the legislative body. [Ord. 1157, 1998; Ord. 1030 § 1, 1974]

#### **8.05.020 Title.**

This chapter shall be known as the “abandoned vehicle/vehicle hulk chapter of Lewis County, Washington”. [Ord. 1157, 1998; Ord. 1030 § 2, 1974]

#### **8.05.030 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) “Vehicle” means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting

devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) “Vehicle hulk” means a remnant or remains of a vehicle which is inoperative and cannot be made mechanically operative without the addition of essential parts or mechanisms, together with the application of a substantial amount of labor to effect repairs, or any wrecked or dismantled vehicle, or part thereof.

(3) “Abandoned vehicle on public real property” means any vehicle which remains in substantially the same location for a period of 10 continuous days or longer on any public thoroughfare, right-of-way, or real property owned by the county of Lewis or a governmental body, and is still remaining in substantially the same location after a period of 10 additional days or longer from the date written notice is mailed by the Lewis County sheriff’s department, by certified mail, with the return receipt requested, to the last known registered legal owner of any such vehicle. [Ord. 1157, 1998; Ord. 1030 § 3, 1974]

#### **8.05.040 Vehicle or vehicle hulk on private real property.**

It shall be unlawful for any person to place or leave any vehicle or vehicle hulk, or permit any vehicle or vehicle hulk registered in his name to be placed or left on private real property within the unincorporated area of Lewis County, owned or occupied by a person other than the vehicle owner without the expressed or implied consent of the owner or occupant of the private real property. [Ord. 1157, 1998; Ord. 1030 § 4, 1974]

#### **8.05.050 Vehicle on public thoroughfare.**

It shall be unlawful for any person to place or leave a vehicle, or permit a vehicle registered in his name to be placed or left on a public thoroughfare or right-of-way within the unincorporated area of Lewis County, or

on real property owned by Lewis County, in such a manner and at such a time that the vehicle constitutes an “abandoned vehicle on public property” as defined in LCC 8.05.030. [Ord. 1157, 1998; Ord. 1030 § 5, 1974]

**8.05.060 Vehicle hulk on public thoroughfare.**

It shall be unlawful for any person to place or leave a vehicle hulk, or permit a vehicle hulk registered in his name to be placed or left, on any public thoroughfare or right-of-way within the unincorporated area of Lewis County or on real property owned by Lewis County. [Ord. 1157, 1998; Ord. 1030 § 6, 1974]

**8.05.070 Keeping of vehicle hulk on private real property.**

It shall be unlawful for any person, as owner or occupant of private real property in the unincorporated area of Lewis County, to place, keep, or allow to remain, any vehicle hulk upon such private real property, unless:

(1) Such vehicle hulk, or part thereof, is completely enclosed within a building or fence in a lawful manner and not visible from a public thoroughfare or other private real property; or

(2) Such vehicle hulk, or part thereof, be stored or parked in a lawful manner in connection with the business of a duly licensed vehicle wrecker or duly licensed vehicle dealer, located on private real property fenced in accordance with the provisions of RCW 46.80.130; or

(3) Such vehicle hulk, or part thereof, be stored or parked on private real property in connection with the business of a duly licensed auto wrecking yard or junkyard fenced in accordance with the provisions of applicable state laws or county ordinances. [Ord. 1157, 1998; Ord. 1030 § 7, 1974]

**8.05.080 Dismantling without removal.**

(1) It shall be unlawful for any person, other than the owner or occupant of the private real property upon which a vehicle is located, to dismantle a vehicle and leave the parts or remains thereof on said real property.

(2) Any person dismantling as agent for the owner of the real property upon which the vehicle is located must, within 10 days of the date of commencing dismantling, remove all vehicle remnants or remains from the real property and dispose of same in a licensed junkyard, county vehicle hulk storage facility, or a duly licensed scrap metal processor. [Ord. 1157, 1998; Ord. 1030 § 8, 1974]

**8.05.090 Enforcement duties of sheriff.**

The sheriff of Lewis County shall be responsible for the enforcement of this chapter and shall have the duty to cause the abatement and removal of any vehicle or vehicle hulk or part thereof declared by this chapter to constitute a public nuisance. [Ord. 1157, 1998; Ord. 1030 § 9, 1974]

**8.05.100 Declaration of nuisance.**

Any vehicle or vehicle hulk placed, left or existing on private or public property in violation of LCC 8.05.040 through 8.05.080 is hereby declared to constitute a public nuisance, and the sheriff of Lewis County is hereby authorized to commence procedures set forth herein for the abatement of said nuisance. [Ord. 1157, 1998; Ord. 1030 § 10, 1974]

**8.05.110 Abatement procedure.**

(1) Notice of Opportunity for Hearing. Where the registered owner of the offending vehicle or vehicle hulk, or the owner or occupant of the real property on which the offending vehicle or vehicle hulk is located, fails to immediately abate the nuisance upon oral notice to do so by the sheriff of Lewis County or his deputy, the sheriff, or his

designee, prior to the removal and impoundment of any such vehicle or vehicle hulk, shall cause written notice to be given to the last registered owner of record of such vehicle or vehicle hulk and to the private property owner of record upon whose property the offending vehicle or vehicle hulk is located, that a public hearing may be requested in writing before Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC, as a substantive hearing, and that if no hearing is so requested within 10 days of receipt of sheriff's notice, the offending vehicle or vehicle hulk will be removed, impounded, and disposed of, and cost therefor assessed in accordance with this chapter.

(2) Hearing. A person to whom such notice is given may obtain a hearing before Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC upon the issue of removal and impoundment of such abandoned vehicle or vehicle hulk as a public nuisance, and upon the issue of liability of cost of abatement, by making a written request to Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC for such hearing. If such a request is made Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC or the Examiner's designee shall mail, by certified or registered mail with a return receipt requested, to the owner of the real property as shown on the last equalized assessment roll, and to the last registered and legal owner of record of such vehicle or vehicle hulk, unless the vehicle or vehicle hulk is in such condition that identification numbers are not available to determine ownership, a notice giving the time, location, and date of hearing before said Examiner. Said hearing shall be scheduled to be held not less than 10 days nor more than 30 following the receipt of the request for such hearing. The applicant for hearing may appear in person at such hearing or present a written statement in time for consideration at the hearing, and deny

responsibility for the presence of the abandoned vehicle or vehicle hulk on the real property. Such applicant shall state his reasons for the denial of responsibility.

(3) Determination of Liability for Costs. If it be determined at the hearing that the offending vehicle or vehicle hulk was placed on the real property without the consent or request of the landowner or occupant of the real property, and that such person has not subsequently intentionally acquiesced to its presence, then the Examiner shall not assess either the cost of the hearing or the costs of complete abatement against, or otherwise collect such costs from, such person. If it be determined at the hearing that the offending vehicle or vehicle hulk was placed on the real property without the consent, request, or knowledge of the registered owner of the vehicle or vehicle hulk, and that such person has not subsequently intentionally acquiesced to its presence, then the Examiner shall not assess the cost of the hearing or the costs of complete abatement against, or otherwise collect such costs from, such registered owner. In the event the Examiner makes an assessment of abatement costs, such abatement costs shall constitute a lien against the property or such vehicle. Any revenue derived from disposal of said vehicle shall be applied against said costs, and the county may collect the balance, if any, by appropriate legal action brought against the proper party. Upon the Examiner making an assessment against the landowner, the Lewis County Board of County Commissioners, in accordance with RCW 36.32.120(10), may levy a special assessment on the property to defray or reimburse the County for the abatement costs. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

(4) Disposition of Vehicle. After hearing has been held, or upon failure to request a hearing, upon the Examiner determining a nuisance to exist, the offending vehicle or

vehicle hulk shall be removed and impounded at the direction of the Examiner, the sheriff, or his designee, and shall be disposed of in such manner as directed by the Examiner or the Sheriff with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

(5) Lien and Redemption. All costs incurred by the county of Lewis in the removal and storage of an impounded vehicle or vehicle hulk shall be a lien upon the vehicle or vehicle hulk. The owner or agent of an impounded vehicle or vehicle hulk may redeem the same prior to its sale or other disposal by payment of all such costs, which shall include towing and storage fees, and by furnishing evidence of his identity and ownership, or agent for ownership, satisfactory to the Examiner or the sheriff, and upon signing a written receipt for the redeemed vehicle or vehicle hulk, and showing evidence of payment of said costs.

(6) County Contract for Work. The county of Lewis may operate a disposal or storage site for the impounded vehicles when commercial channels for immediate disposition are not available or are inadequate. Thereafter, the Examiner may dispose of such vehicles in such manner as appear best in the public interest. The court may contract with bulk haulers or tow truck operators for the periodic pick-up and impoundment of offending vehicles. [Ord. 1030A § 1, 2004; Ord. 1157, 1998; Ord. 1030 § 11, 1974]

#### **8.05.120 Violation - Penalty.**

Any person convicted of violating LCC 8.05.040 through 8.05.080, shall be subject to the penalties in LCC 1.20.020 and LCC 1.20.040. [Ord. 1180 §6, 2002; Ord. 1157, 1998; Ord. 1030 § 12, 1974]

## **Chapter 8.10**

### **RECYCLING SERVICE AREAS**

#### **Sections:**

##### **Article I. Recycling Service Areas**

- 8.10.010 Recycling service areas identified.
- 8.10.020 Curbside recycling program for RSA-1 adopted.

##### **Article II. Program Design**

- 8.10.030 RSA-1 defined.
- 8.10.040 Eligibility for service.
- 8.10.050 Participation.
- 8.10.060 Customer notification.
- 8.10.070 Collection bins.
- 8.10.080 Collection frequency.
- 8.10.090 Recyclables collected.
- 8.10.100 Incentives for participation.
- 8.10.110 Rates.
- 8.10.120 Program monitoring.
- 8.10.130 Curbside recycling program - review.
- 8.10.140 Criteria for changing boundaries of RSA-1.

#### **Article I. Recycling Service Areas**

##### **8.10.010 Recycling service areas identified.**

Recycling Service Areas 1, 2a, 2b, 2c and 2d as set forth in the adopted 1993 Lewis County Comprehensive Solid Waste Management Plan and as identified in Exhibit A to the ordinance codified in this chapter are hereby established. [Ord. 1157, 1998; Ord. 1136 § 1, 1994]

##### **8.10.020 Curbside recycling program for RSA-1 adopted.**

The program design for a curbside recycling program for Recycling Service Area 1 as set forth in the adopted 1992 Lewis County Comprehensive Solid Waste Management Plan Update, adopted by Lewis County Resolution 93-505, and as

identified in Article II is hereby adopted and implemented. [Ord. 1136B §2, 2001; Ord. 1157, 1998; Ord. 1136 § 2, 1994]

## **Article II. Program Design**

### **8.10.030 RSA-1 defined.**

(1) RSA-1 is defined as the unincorporated areas of Lewis County surrounding the cities of Centralia and Chehalis. The boundaries of the service area is defined by the following state and county roads:

Highway 603 from S.R. 6 to Napavine  
Dieckman Rd.  
Mattson Rd.  
Chilvers Rd.  
Jeffries Rd.  
Brockway Rd.  
Otto Rd.  
Galvin Rd.  
Western half of Tietzel Rd.  
Big Hanaford Rd.  
Western half of Salzer Valley Rd.  
Centralia Alpha Rd.  
North Fork Rd. to Centralia Alpha Rd.  
Tauscher Rd.  
S.R. 508 to the Tauscher Rd.  
Middle Fork Rd. to the Tauscher Rd.

(2) The legal description of the service area is as follows:

Point of beginning is the N.W. corner of Section 27, Township 15 North, Range 3 West, thence South to the Brockway Road, thence South along the Brockway Road to the Jeffries Road, thence West along the Jeffries Road, thence South along the Jeffries Road to the Dieckman Road, thence South along the Dieckman Road to the Bunker Creek Road, thence East on the Bunker Creek Road to S.R. 6, thence East on S.R. 6 to Highway 603, then Southeasterly along Highway 603 to the NW corner of Section 35, Township 13 North, Range 2 West, thence East to S.R. 508 and the Tauscher Road, thence North on the Tauscher Road to the North Fork Road, thence East on the North Fork Road to the Centralia Alpha Road then North and Westerly along the Centralia Alpha Road to the Northwest corner of Section 26, Township 14

North, Range 2 West, thence North to the Hanaford Road, thence East along the Hanaford Road to the end of the road, thence North to the Thurston County Line, Thence West along the Thurston County/Lewis County line to the point of beginning. All unincorporated areas of Lewis County that fall within the above mentioned boundaries are included within the service area. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

### **8.10.040 Eligibility for service.**

(1) Service will be made available to all single-family residences in RSA-1 on a voluntary basis. Residents will be eligible for participation in the program regardless if they subscribe to regular garbage collection service. Subscribers signing up for only the recycling service will not be charged a garbage collection fee.

(2) Accounts may be established for multifamily complexes and mobile home parks, at the discretion of the hauler on a case by case basis. Multifamily complexes are defined as having greater than four units. Complexes having two through four units will automatically be eligible for the recycling service. The criteria upon which the hauler will determine eligibility of the larger multifamily complexes and mobile home parks is as follows:

(a) Ease of access by the recycle collection vehicle.

(b) Availability and proximity of alternate recycling opportunities. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

### **8.10.050 Participation.**

(1) Source separation of recyclables will not be mandatory as part of this pilot program. Participation in the program will be established through a sign-up system. The initial 45-day sign-up period will begin when the hauler files a tariff with the Washington State Utilities and Transportation Commission (WUTC) to establish a collection rate to support the program. Service will begin following the

setting of rates by the WUTC. The hauler will not begin billing for the service until after the service begins.

(2) All customers subscribing to garbage collection service within the county designated as RSA-1 regardless of their participation in the curbside recycling program will be charged for the availability of the curbside recycling service. The only exception being those customers subscribing to a once per month garbage service who do not sign up for recycling service, and those persons subscribing for service on an occasional basis either using a 32-gallon can, or "occasional use bags" supplied by the hauler. Customers using an occasional service option shall not be denied curbside recycling service.

(3) Those wishing recycling service may sign up any time during the length of the program by contacting the hauler and requesting the service and a set of bins. When sign-up occurs after the program begins and the new rate structure is established, service will commence within two weeks of sign-up. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.060 Customer notification.**

(1) It shall be the responsibility of the hauler to adequately notify all customers in RSA-1 according to WUTC format and requirements. Those customers wishing to be regular customers, whether they recycle or not within the program, will pay the rate as specified by the WUTC tariff. There will be no penalty fees added for those regular customers who do not wish to recycle through the curbside program.

(2) The hauler will ensure that all RSA-1 customers receive written sign-up cards that list and identify garbage service options so that the customers may reduce their level of service. Language illustrating how two-can customers can reduce to one can, and one-can customers can reduce to a mini-can by voluntarily recycling. Customers shall also

be notified to call the haulers administrative office for any explanations regarding nonrecycling options. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.070 Collection bins.**

(1) One set of three nestable stackable bins will be provided to each participant in the program by the hauler at no initial cost to the participant. The hauler will recoup the capital investment through the rates established by the WUTC.

(2) The bins will remain the property of the hauler and upon withdrawing from the program, participants will surrender the bins to the hauler.

(3) The hauler will be expected to file any and all rates as required by the Washington Utilities and Transportation Commission to ensure that additional bins or push carts may be made available to consumers on an as-needed basis, and in conformance with the state tariffing requirements. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.080 Collection frequency.**

Recyclables will be collected every other week. Upon signing up for the program, the hauler will provide the participant with written information about the recyclables to be collected, proper preparation of the materials, responsibilities of the participant, and a calendar indicating the days pick-up will occur. In addition, written materials will also include the telephone numbers of the hauler and the Lewis County solid waste utility in order for participants to comment on the program. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.090 Recyclables collected.**

(1) At the onset of the program, the following commodities will be collected:

- (a) Newspaper;
- (b) Cardboard;
- (c) Aluminum cans;

(d) Glass bottles and jars (green, brown and clear);

(e) Magazines;

(f) Paperboard;

(g) Tin cans.

(h) Plastic jugs

(i) Junk mail

(2) Participants will be notified by the hauler of the acceptable methods of preparing recyclables and use of the bins. Acceptable recyclables in quantities greater than the capacity of the bins may be placed in either kraft paper bags or cardboard boxes next to the bins and they will be picked up by the hauler at no additional charge to the participant.

(3) Modifications may occur to the list of acceptable recyclables if deemed appropriate by the county and the hauler. At least 30 days' prior written notice in the form of either a can tag or bill insert will be produced and distributed to the affected participants by the hauler. [Ord. 1136A, amend Ex. B, 1996; Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.100 Incentives for participation.**

(1) In order to encourage residents to choose the lowest level of garbage service to meet their needs, and thereby encourage participation in a recycling program, several options for garbage service will be provided to residential customers in RSA-1. These options will include a minimum of the following:

(a) One 65 gallon container, picked up once per month;

(b) One 95 gallon container, picked up once per month;

(c) One 65 gallon container, picked up every other week;

(d) One 95 gallon container, picked up every other week;

(e) One 65 gallon container, picked up every week;

(f) One 95 gallon container, picked up every week ; and

(e) Occasional collection of a 32 gallon bag upon request by the customer.

(2) Containers will be furnished by the hauler. Weight allowable per container will be defined in the hauler's tariff filed with the UTC.

[Ord. 1136B § 1, 2001; Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.110 Rates.**

(1) The rates for the new combined garbage-recycling collection service will be determined by the WUTC through their authority and responsibility to set rates. If the WUTC establishes a rate increase which is higher than \$2.50 per month for recycling service, the board of county commissioners reserves the right to review the combined program's success and determine whether to allow the pilot program to continue.

(2) A uniform collection rate structure will be established and will apply to all garbage collection subscribers in RSA-1 regardless of their level of participation in the recycling program. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]

#### **8.10.120 Program monitoring.**

(1) The hauler will record and provide monthly reports in a form acceptable to the county concerning the following:

(a) Tonnage of each commodity collected through the program.

(b) Number of customers subscribing to garbage service within each service level.

(c) Number of customers subscribing to recycling service.

(2) These reports will be used in determining the success of the program and for meeting the state's monitoring and reporting requirements. [Ord. 1157, 1998; Ord. 1136 Exhibit B, 1994]



**8.10.130 Curbside recycling program - review.**

The voluntary participation pilot residential curbside recycling program will officially commence on the date that the rates for the new service, established by the WUTC in accordance with Chapter 81.77 RCW, take effect. Lewis County curbside recycling program shall be subject to continuing review and evaluation by the county. Not later than March 25, 2006, and at least every five years thereafter, the county and the Lewis County Solid Waste Advisory Committee shall take action to review and, if needed, revise or rescind the curbside recycling program. Any revision of the curbside recycling program shall be consistent with and implement the Comprehensive Solid Waste/Moderate Risk Waste Management Plan. [Ord. 1136B § 2, 2001; Ord. 1157, 1998; Ord. 1136A § 3, 1996; Ord. 1136 Exhibit B, 1994]

**8.10.140 Criteria for changing boundaries of RSA-1.**

Areas to be considered for changes to the boundary of RSA-1 shall be contiguous with said boundary and shall be subject to the same public hearing process required to amend Exhibit A of the ordinance codified in this chapter. [Ord. 1136B §3, 2001]

**Chapter 8.15**

**SOLID WASTE DISPOSAL**

Sections:

Article I. Solid Waste Disposal

- 8.15.010 Definitions.
- 8.15.020 Purpose of article.
- 8.15.030 System of solid waste handling.
- 8.15.040 Unlawful disposal of solid waste.
- 8.15.050 Acquisition of disposal sites by county and district.
- 8.15.060 Interlocal operations.
- 8.15.070 Establishment and operation of disposal sites -  
Agreements regarding operation and rates.
- 8.15.080 Exempt operations.
- 8.15.090 Application for disposal site designation.
- 8.15.100 Suspension or revocation.
- 8.15.110 Abandoned sites.
- 8.15.120 Enforcement.
- 8.15.130 Violation - Penalties.
- 8.15.140 Public nuisance.

Article II. Solid Waste Disposal District

- 8.15.150 District established.
- 8.15.160 Boundaries.
- 8.15.170 Governing body.

Article III. Regulations

- 8.15.180 Regulation of solid waste disposal.
- 8.15.190 Definitions.
- 8.15.200 Solid waste utility division.
- 8.15.210 Charges and rates.
- 8.15.220 Contracts for services.
- 8.15.230 Containers.
- 8.15.240 Solid waste.
- 8.15.250 Public use of transfer stations and sanitary landfills.
- 8.15.260 Solid waste disposal.
- 8.15.270 Right of entry.

- 8.15.280 Violation - Penalties.
- 8.15.290 Appeals.

## **Article I. Solid Waste Disposal**

### **8.15.010 Definitions.**

Unless otherwise expressly provided in this article, the definitions found in RCW 70.95.030 and WAC 173-304-100 shall apply in interpreting this article.

(1) "Approval" or "approved" by the board or authorized designee means an approval given after all other necessary permitting processes have been completed, except the health board permit required by RCW 70.95.170 through 70.95.190, but no special duty to any permittee or third party is created by the terms of this article or any approval.

(2) "Board" means the Lewis County board of commissioners.

(3) "City" means any city or town that has entered the interlocal agreement (collectively, the "cities").

(4) "County" means Lewis County.

(5) "County solid waste" means solid waste generated and collected in, or transported for purpose of disposal into, the unincorporated areas of the county.

(6) "Director" means the director of the Lewis County department of community development, or the alternate public official designated by the county to carry out the duties of the director pursuant to this article.

(7) "Disposal site" means a facility where any final treatment, utilization, processing, transfer or deposit of county solid waste occurs, and for which a permit is required pursuant to RCW 70.95.170 through 70.95.190. For purposes of this article, a transfer station or a drop box shall be deemed a disposal site.

(8) "District" means the solid waste disposal district no. 1 of Lewis County to be formed pursuant to the interlocal agreement and county ordinance.

(9) "Executive committee" means the executive advisory committee formed pursuant to the interlocal agreement.

(10) A "hauler" is a solid waste collection company that has either obtained a certificate of convenience and necessity pursuant to Chapter 81.77 RCW to serve any area of the county, or that has been granted a franchise to provide garbage and refuse collection service within any city.

(11) "Health Board" means the Lewis County health board or any successor agency charged with responsibility for issuing or renewing permits for solid waste disposal sites pursuant to RCW 70.95.170 through 70.95.190.

(12) "Interlocal agreement" means the "interlocal agreement regarding Lewis County solid waste disposal district and flow control" entered into, or to be entered into, by the county, the district and the cities, and all amendments to such agreement.

(13) "Operator" means any person with whom the district or the county contracts for the design, construction, ownership or operation of any disposal site or other solid waste handling facility.

(14) "Plan" means the Lewis County Comprehensive Solid Waste Management Plan, as it now exists and may be amended from time to time.

(15) "Separated waste" means the solid waste that remains after the removal of all recyclable material that is practicable to remove.

(16) "SWAC" means the Lewis County solid waste advisory committee.

(17) "Source separated" means the separating of different kinds of solid waste at the place where the waste is generated.

(18) "System" means the system of solid waste handling established by the county, including but not limited to strategies and programs for solid waste handling owned, operated or provided for by the county, either directly or by contract with the district

or operators, and all administrative activities related thereto. The term “system” includes the district, all disposal sites and other facilities designated by the county for the disposal of solid waste, and the solid waste handling programs and facilities provided by the county and the district. [Res. 01-073, 2001\*; Ord. 1157, 1998; Ord. 1123 § 1, 1992]

#### **8.15.020 Purpose of article.**

(1) The purpose of this article is to establish a comprehensive county-wide system that is adequate to handle all solid waste generated in incorporated and unincorporated areas of the county, and that will protect public health and safety; control the flow of county solid waste; prevent land, air, and water pollution; conserve and protect the natural resources and environment of the county; limit the potential liability of the county for improper disposal; and provide for disposal charges that are fair, just and reasonable. These purposes require that all county solid waste, except for waste exempted pursuant to LCC 8.15.080, be directed to certain disposal sites.

(2) To carry out this purpose, this article is adopted to regulate the establishment, operation and rates of all disposal sites that are located in the county and the disposal of county solid waste at disposal sites in and outside of the county.

(3) The county, pursuant to powers granted by law by this article exercises its authority to control disposal of all solid waste generated and collected within unincorporated areas of the county; to negotiate contracts with parties that operate disposal sites; and to permit cities to use county-owned disposal sites, and other disposal sites upon terms to be negotiated between the county and the owner or operator of such other sites. [Ord. 1157, 1998; Ord. 1123 § 2, 1992]

#### **8.15.030 System of solid waste handling.**

(1) Pursuant to RCW 36.58.040, this article establishes a system of solid waste handling for all solid waste generated and collected in, or transported for disposal purposes into, incorporated or unincorporated areas of the county consistent with the plan and interlocal agreement.

(2) The system and the requirements of this article shall be binding upon all persons subject to its provisions within the county.

(3) Unless otherwise permitted by law, it is unlawful for any person to dispose of county solid waste at a disposal site, or in a manner, not authorized pursuant to this article.

(4) Except for disposal sites designated in an emergency pursuant to subsection (5) of this section or exempt under LCC 8.15.080, the disposal sites set forth in this section, and any additional disposal sites found to meet the requirements of LCC 8.15.070 and 8.15.090, are hereby designated as the sole disposal sites which are authorized to receive, and to which haulers and all other persons are authorized to deliver, county solid waste for disposal. Designations are expressly subject to:

(a) Receipt and continuing possession of and compliance with all permits and governmental approvals necessary for the operation of the site;

(b) The site's capability to dispose of county solid waste by the means identified in its designation;

(c) In the case of a private operator, the execution and delivery of an agreement between the county and the operator as described in LCC 8.15.070. Designated disposal sites include:

(i) Centralia and Morton transfer stations, and the moderate hazardous waste facility.

(ii) Drop boxes designated from time to time by the community services

director for specific categories and volumes of solid waste.

(iii) Any disposal site designated in accordance with LCC 8.15.050, 8.15.070, and 8.15.090, as applicable.

(5) Upon a finding by the director that it is necessary for the immediate preservation of the public health and safety that additional or alternate disposal sites be designated on an emergency basis and upon notification of the chairman of the board of such emergency, the director may approve additional disposal sites for up to 60 days without action by the board. [Res. 01-073, 2001\*; Ord. 1157, 1998; Ord. 1123 § 3, 1992]

#### **8.15.040 Unlawful disposal of solid waste.**

It is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the ground or into any waters within the unincorporated areas of the county except at a disposal site that has been designated pursuant to LCC 8.15.030 or exempted pursuant to LCC 8.15.080, as amended from time to time; provided that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of the ground owned or leased by him when such action complies with all other applicable laws. [Ord. 1157, 1998; Ord. 1123 § 4, 1992]

#### **8.15.050 Acquisition of disposal sites by county and district.**

By action of the board (in its capacity as the legislative body of the county or as the governing body of the district), the county or district may acquire by purchase, lease, or otherwise, or may contract with other parties for the use of, disposal sites that are adequate for disposal of solid waste generated in, or transported into, incorporated and unincorporated areas of the county. Such disposal sites shall be

consistent with the plan, and with all federal, state, and local requirements. Upon acquisition or effectiveness of a contract, such sites shall become part of the system of solid waste handling established by this article. [Ord. 1157, 1998; Ord. 1123 § 5, 1992]

#### **8.15.060 Interlocal operations.**

Solid waste disposal sites owned, operated, or controlled in whole or in part by the county or district, and designated by the county for the receipt of county solid waste, shall be available to accept solid wastes generated and collected in the cities, and solid waste generated in other counties; provided that the governing bodies of such jurisdictions enter into and maintain interlocal agreements with the county and comply with the conditions contained therein and herein. Nothing in this article shall be construed to modify any existing interlocal agreements among the county, the district and the cities. The interlocal agreement satisfies the requirements of this section with respect to cities that enact flow control ordinances pursuant to that interlocal agreement. [Ord. 1157, 1998; Ord. 1123 § 6, 1992]

#### **8.15.070 Establishment and operation of disposal sites - Agreements regarding operation and rates.**

(1) Except for those sites exempt under LCC 8.15.080, it is unlawful for any person to establish, alter, expand, improve, or hereafter operate or maintain a disposal site that is located in or that accepts solid waste generated in or transported into the unincorporated areas of the county unless:

(a) The proposed site, facilities, and proposed method of operation comply with this article and with any regulations promulgated by the health board;

(b) The proposed site and proposed method of operation have been designated pursuant to LCC 8.15.030 or 8.15.090, and

all permits required by law have been obtained; and

(c) The operator of the proposed site, if owned by any person other than the county, has entered into an agreement with the county specifying the rates to be charged for disposal or processing of county solid waste at the disposal site and such other terms deemed necessary by the director to protect the public health, safety, and welfare, and for other public purposes; provided, that the county shall not be obligated to enter into any such agreement with such a person.

(2) For purposes of establishing and adjusting rates pursuant to this section, the operator of any disposal site shall furnish to the director information concerning actual and anticipated revenues, expenses, liabilities, debt amortization, equipment purchases and other data deemed pertinent by the director.

(3) Each agreement between an owner or operator and the county or district shall provide that if the disposal site fails to comply in any material respect with the terms of the agreement or with this article, the disposal site is subject to loss of designation.

(4) The director shall require the operator of each designated disposal site to furnish such evidence as the director deems necessary to verify that the disposal site complies with this article and shall report annually to the executive committee and to the board regarding such compliance. [Ord. 1157, 1998; Ord. 1123 § 7, 1992]

#### **8.15.080 Exempt operations.**

(1) The following solid waste processing and disposal activities and facilities related thereto are hereby exempted from this article:

(a) Wrecking automobiles and parts thereof and related storage and handling facilities which possess all necessary governmental permits and approvals.

(b) Depositing, pursuant to all necessary governmental permits and approvals, fewer than 2,000 cubic yards of soil, rock, tree stumps, gravel, broken concrete, broken asphalt, and similar inert wastes onto the surface of the ground whereby such depositing is to be temporary in nature, and graded or otherwise worked to fill an existing depression or low area of ground.

(c) Depositing agricultural solid waste onto or under the surface of the ground when said waste is being utilized primarily for fertilizer or a soil conditioner, as long as depositing such waste does not otherwise violate the law.

(d) Depositing sewage or sewage sludge onto or under the surface of the ground at a disposal site which possesses all necessary governmental permits and approvals for that purpose.

(e) Depositing "hazardous waste" as defined by RCW 70.105.010(15) onto or under the surface of the ground at a disposal site which possesses all necessary governmental permits and approvals for that purpose.

(f) Depositing solid waste by an industrial solid waste generator into its own private landfill which is accessory to the industry, is not open to haulers or the public, which possesses all necessary governmental permits and approvals for that purpose, and which is included in the plan.

(g) Facilities for the acceptance and marketing of source-separated recyclable materials including drop-off and buy-back centers, contract recycling services, and associated processing facilities.

(h) Handling and marketing of source-separated recyclable materials.

(i) Composting of yard waste at facilities that accept and market source-separated yard waste materials.

(j) On-site composting of organic materials generated on-site.

(k) Processing wood waste at facilities that accept source-separated wood waste materials.

(l) Handling and processing “infectious waste” within the meaning of Chapter 8.20 LCC, as that chapter may be amended from time to time.

(m) Depositing county solid waste by a hauler at a disposal site outside the county, provided that:

(i) Such waste is collected on a route that originates, terminates, and lies primarily outside the county;

(ii) Such disposal site possesses all necessary governmental permits and approvals; and

(iii) The hauler has obtained the director's approval for such disposal.

(2) The exemptions established by this section shall have no effect on the requirements of other local, state and federal laws. [Ord. 1157, 1998; Ord. 1123 § 8, 1992]

#### **8.15.090 Application for disposal site designation.**

(1) Applications for designation of a solid waste disposal site owned or operated by any person other than the county that is located within the unincorporated areas of the county, within incorporated areas of the county that have adopted a flow control ordinance pursuant to the interlocal agreement, or that is located outside the county, shall be on forms prescribed by the director and shall contain a description of the proposed and existing facilities and operations at the site, plans and specifications for any new or additional facilities to be constructed, and such other information as the director deems necessary.

(2) Upon receipt of an application for designation, the director shall transmit one copy of the application to the health board.

(3) Within 90 days of receipt of the application, the director shall investigate the application as necessary to determine

whether the proposed site complies with the plan and this article, and whether designation would promote the public interest. Upon completion of the investigation, the director shall submit the application, together with his recommendation as to whether the proposed site should be designated, first to the SWAC for its review and recommendation, then to the executive committee for its review and recommendation, and finally to the board for action. Approval of a disposal site designation shall be by county ordinance. Notwithstanding the foregoing, drop boxes may be designated by the director, after review and recommendation by the SWAC and executive committee, and board action shall not be required for such designation.

(4) If the board designates the proposed site as a disposal site, an agreement shall be negotiated and executed as provided in LCC 8.15.070(1)(a), (b), (c). [Ord. 1157, 1998; Ord. 1123 § 9, 1992]

#### **8.15.100 Suspension or revocation.**

In the event that any designated disposal site substantially fails to comply with this article, the plan, other applicable laws, conditions imposed in conjunction with the issuance of any permit, or an agreement executed pursuant to this article, or for any other lawful reason, the director may suspend or revoke the designation of such site. Any operator aggrieved by a suspension or revocation may appeal such action to the Lewis County commissioners. [Ord. 1157, 1998; Ord. 1123 § 10, 1992]

#### **8.15.110 Abandoned sites.**

It is unlawful for any person to fail to close when legally required or to abandon any disposal site. Any designated disposal site which is abandoned by its owner or operator shall be closed by such owner or operator in compliance with applicable local, state and federal laws. [Ord. 1157, 1998; Ord. 1123 § 11, 1992]

#### **8.15.120 Enforcement.**

Appropriate county officers and employees are authorized to take all lawful actions reasonably available to enforce in a timely manner the provisions of this article against any person violating those provisions including, but not limited to, bringing a civil and/or criminal action against that person and providing testimony and cooperation in the prosecution of that action; barring that person from use of a disposal site; requesting that the Washington Utilities and Transportation Commission revoke that person's certificate; and seeking equitable relief. [Ord. 1157, 1998; Ord. 1123 §12, 1992]

#### **8.15.130 Violation - Penalties.**

(1) Any person who knowingly fails to comply with LCC 8.15.040, 8.15.070, or 8.15.110 or who files or supplies any false, incomplete, or inaccurate information in connection with any application shall be subject to the penalties in LCC 1.20.020 and LCC 1.20.040. Nothing contained in this section shall be construed to exempt an offender from any other suit, prosecution, or penalty provided in another Lewis County ordinance or otherwise provided by law.

(2) Each violation or day of noncompliance shall constitute a separate violation. Any such civil penalty imposed pursuant to this section shall be subject to review by the board. [Ord. 1180 §7, 2002; Ord. 1123 § 13, 1992]

#### **8.15.140 Public nuisance.**

Any solid waste disposal site hereafter established, altered, expanded, improved, operated, or maintained in violation of any of the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. Any violation of LCC 8.15.030(3), 8.15.040, 8.15.070, and 8.15.110 is hereby declared to be a public nuisance. The prosecuting attorney, at the direction of the board, may take steps

necessary to abate such nuisances and to restrain and enjoin further unlawful acts. This section shall not limit or restrict any other power or authority authorized by law. [Ord. 1157, 1998; Ord. 1123 § 14, 1992]

### **Article II. Solid Waste Disposal District**

#### **8.15.150 District established.**

(1) Pursuant to RCW 36.58.100 et seq., a solid waste disposal district to be known as solid waste disposal district no. 1 of Lewis County is hereby established as a quasi-municipal corporation and independent taxing authority within the meaning of Article VII Section 1 and a taxing district within the meaning of Article VII Section 2 of the Constitution of the State of Washington.

(2) Such district is a body corporate and shall possess all the usual powers of such a corporation for public purposes as well as other powers that may now or hereafter be conferred by law. [Ord. 1157, 1998; Ord. 1124 § 1, 1992]

#### **8.15.160 Boundaries.**

The boundaries of said district shall be co-extensive with the boundaries of Lewis County and shall include the territory of all cities and towns lying within Lewis County. [Ord. 1157, 1998; Ord. 1124 § 2, 1992]

#### **8.15.170 Governing body.**

The governing body of said district shall be the legislative authority of Lewis County as now or hereafter constituted. [Ord. 1157, 1998; Ord. 1124 § 3, 1992]

### **Article III. Regulations**

#### **8.15.180 Regulation of solid waste disposal.**

The purpose of this article shall be to provide regulations to govern the storage, collection, transfer, transportation, processing, utilization, and final disposal of

solid waste by any person or persons in Lewis County, Washington, in order to protect natural and economic resources, and to preserve the health, safety, welfare and sanitation of Lewis County, Washington, in conformance with and under the authority of Chapters 70.95 and 70.93 RCW and Chapters 173-301 and 173-310 WAC. [Ord. 1157, 1998; Ord. 1046 Art. I, 1975]

#### **8.15.190 Definitions.**

As used in this article:

(1) "Abandoned vehicle" means any vehicle which remains in substantially the same location for a period of 10 continuous days or longer on any public thoroughfare, right-of-way, or real property owned by other than the owner of vehicle, and is still remaining in substantially the same location after a period of 10 additional days or longer from the date that written notice is mailed by the Lewis County sheriff's department, by certified mail, with the return receipt requested, to the last known registered legal owner of any such vehicle.

(2) "Authorized representative" shall mean employees of the Lewis County health board, or the solid waste section, or any law enforcement officer.

(3) "Board" shall mean the board of county commissioners of Lewis County, Washington.

(4) "Bulky waste" shall mean when used herein, large items of refuse such as appliances, furniture, trees and stumps, demolition, special and other oversized wastes.

(5) "Collection agency" is a person or persons, certificated by the Washington Utilities and Transportation Commission, to collect solid waste from public and private premises and transport the same to designated transfer stations or sanitary landfills.

(6) "Collector" shall be synonymous with "collecting agency".

(7) "Composting" is the controlled microbial degradation of organic waste yielding a nuisance-free product.

(8) Container, Detachable. A "detachable solid waste container" is a partially mechanized self-service solid waste container for individual or bulk use, utilizing special equipment for emptying or transporting.

(9) Container, Individual. An "individual solid waste container" is a durable, corrosion-resistant, rodent-resistant, easily cleanable container with a tight-fitting lid and equipped with suitable handles with a capacity of 30 gallons or less and weighing less than 85 pounds total weight when full.

(10) "County" shall at all times mean Lewis County, Washington.

(11) "Drop box" is synonymous with a detachable solid waste container.

(12) "Garbage" shall mean all putrescible material, including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge and human body waste.

(13) "Hauler" shall mean a contractor who shall transport county-located solid waste detachable containers to county-operated transfer stations, or sanitary landfills.

(14) "Health officer" shall mean the Lewis County Board of Health, health officer or his/her authorized agent or representative.

(15) "Incineration" is the controlled combustion of solid waste, that yields satisfactory nonputrescible residues and air effluents.

(16) "Person" shall mean an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity whatsoever.

(17) "Reclamation" is the disposal process in which there is hand or mechanical



segregation of solid waste for sale or reuse, or other resource recovery techniques.

(18) "Refuse" shall be deemed to be synonymous with the term "solid waste".

(19) "Sanitary landfill" shall mean the method of disposing of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover the same with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(20) "Solid waste" shall mean all putrescible or nonputrescible solid and semi-solid waste, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof and discarded commodities. (Chapter 70.95 RCW)

(21) "Transfer station" shall mean a fixed supplemental collection or transportation or disposal facility, used by persons and route collection vehicles to deposit solid waste into a larger transfer vehicle for transport to the disposal site.

(22) "Vehicle hulk" shall mean a remnant or remains of a vehicle which is inoperative and cannot be made mechanically operative without the addition of essential parts or mechanisms, together with the application of a substantial amount of labor to effect repairs, or any wrecked or dismantled vehicle, or part thereof.

(23) "Wood waste" shall mean a by-product resulting from the handling and processing of wood, including, but not limited to, hogged fuel, sawdust, shavings, chips, bark, small pieces or wood, stumps, limbs, or any other material composed largely of wood.

(24) "Wood waste landfill" shall mean a method of disposing of wood wastes on land without creating nuisances or hazards to public health or safety by utilizing principles

of engineering. [Ord. 1157, 1998; Ord. 1046 Art. II, 1975]

#### **8.15.200 Solid waste utility division.**

(1) Created - Department of Community Development. For the purpose of carrying into effect the provisions and aims of this article, there is hereby created and established a Lewis County solid waste utility division within the Lewis County department of community development.

(2) Responsibility. The solid waste shall be responsible for:

(a) The solid waste management system including transfer stations, sanitary landfills, drop boxes and reclamation sites by agreements with independent contractors as hereinafter provided.

(b) The management of collection districts when such districts are established by the county pursuant to Chapter 36.58A RCW.

(c) Participation in reviewing rate structures and other solid waste management subjects, in cooperation with the board and the solid waste management advisory committee.

(d) Representing Lewis County at all Washington Utilities and Transportation Commission hearings when appropriate.

(e) Receiving and resolving complaints on solid waste management in cooperation with the Lewis County health board.

(f) Compliance with Chapters 70.93 and 70.95 RCW, and 173-300 through 173-306 WAC, and other state and local laws and regulations.

(g) Making recommendations to the board as to solid waste management service contracts, for the construction and management of transfer and disposal sites, and the drop box system.

(3) Administrator - Appointment. The board is hereby empowered to and shall appoint a qualified person as solid waste administrator.

(4) Administrator - Duty. The solid waste administrator shall have total responsibility for administering the Lewis County solid waste management program to accomplish the purpose delineated in LCC 8.15.180. In addition, he shall make recommendations to the utility division head concerning policy, budget, operational procedures and other matters of concern to an effective solid waste management program. [Res. 01-073, 2001\*; Ord. 1157, 1998; Ord. 1046 Art. III, 1975]

#### **8.15.210 Charges and rates.**

(1) Authorization To Establish Disposal Charges. The board is hereby authorized to establish solid waste service charges within Lewis County to cover the cost of solid waste disposal and/or transfer of solid waste. Such rates shall be recommended by the solid waste management advisory committee. Initial rates and/or changes in such rates shall be published in a local newspaper 30 days prior to change, and shall become effective 30 days from the date of publication.

(2) Washington Utilities and Transportation Commission and Collection Rates. Nothing in this article shall be deemed to change the responsibility or authority of the Washington Utilities and Transportation Commission to regulate all intrastate carriers and collection rates, as required by RCW 70.95.900. [Ord. 1157, 1998; Ord. 1046 Art. IV, 1975]

#### **8.15.220 Contracts for services.**

(1) Contracts Authorized. The board shall have the authority to contract for services for hauling of county-located solid waste detachable containers within Lewis County placed for the use of households. In addition, the board may also contract for services for operating sanitary landfills and/or transfer stations. The recommendation of the solid waste management advisory committee and the

solid waste administrator is to be considered in awarding any such contract.

(2) Standards for Collection, Transportation and Operation. All collectors, haulers, or operators of transfer stations or sanitary landfills, shall collect, transfer, or operate in conformance with all applicable federal, state and local laws. All collectors shall collect solid waste in their Washington Utilities and Transportation Commission certificated area, and shall dispose of the same only in a designated transfer station or sanitary landfill, as specified in the Lewis County solid waste management plan. In addition, all such collectors, haulers, operators, or individuals shall conduct themselves in such a manner that any and all hauling of solid waste shall be in securely covered vehicles or containers so as to prevent said materials from being blown from said vehicle during hauling operations. Any spillage of solid waste from a collector's vehicle or hauler's vehicle shall be picked up immediately by the collector or hauler and the area of spillage immediately cleaned. [Ord. 1157, 1998; Ord. 1046 Art. V, 1975]

#### **8.15.230 Containers.**

(1) Solid Waste Containers Required. It shall be the duty of every person in possession, charge or control of any building, dwelling, plant, rooming house, apartment house or eating place or in possession, charge or control of any such establishment to keep or cause to be kept solid waste containers of approved size, type, and construction at all times and deposit or cause to be deposited therein all solid waste, except bulky wastes.

(2) Acceptable Standards - Commercial Exceptions. Such containers shall be constructed in conformance with applicable federal, state and local laws and regulations. Large detachable containers for storage of industrial, commercial or special solid waste

may be used with the approval of the health officer and solid waste administrator.

(3) Use and Maintenance of Containers. Each container shall be kept in a clean sanitary condition and in good repair. Lids shall be on the container at all times except during actual filling or emptying. No earth, rocks, heavy refuse, or other heavy material shall be deposited in any solid waste container except by permission of the health officer and/or the solid waste section as appropriate.

(4) Notice of Unacceptable Use or Maintenance. Any collector who shall find any solid waste container to be in violation of the standards set forth herein as to acceptable use or maintenance shall place a tag furnished by the solid waste section on such container which shall have a perforated stub with identification number and place for location and description. Said perforated stub shall be removed from said tag and forwarded to the Lewis County solid waste administrator who shall notify the health officer. Any person who shall have failed to conform to acceptable use of solid waste containers upon two or more occasions, shall be deemed to be in violation of this article. [Ord. 1157, 1998; Ord. 1046 Art. VI, 1975]

#### **8.15.240 Solid waste.**

(1) Classes of Refuse Not Allowed in Solid Waste Containers. No earth, rocks, heavy refuse, dead animals, or other material as hereinafter set forth shall be deposited in any solid waste container.

(2) Dead Animals. It shall be the duty of every person in possession, charge or control of any dead animal, or upon whose premises the same may be located, to forthwith cause the same to be removed and disposed of; provided, that mere existence of such an animal upon a person's premises, without his knowledge shall not subject said person to any penalties hereunder. Disposal

shall be by burial pursuant to Chapter 16.68 RCW.

(3) Composting Piles. Compost piles shall be composed of materials and use procedures conforming with Section 8.45.080(2) LCC.

(4) Removal. It shall be the duty of every person to cause such solid waste as may be in any solid waste container or upon the premises under his control, to be removed and disposed of only by an authorized collector or by himself. In the event that a person shall remove and dispose of solid waste from his own premises the same shall be removed in a completely covered container or vehicle and disposed of, only at a designated transfer station, drop box, landfill, or upon premises owned or leased by him, in such a manner as will conform with RCW 70.95.240 and the Lewis County Health Board Regulations. [H.ORD 041204 § 2, 2004; Ord. H-99-0301, 1999; Ord. 1157, 1998; Ord. 1046 Art. VII, 1975]

#### **8.15.250 Public use of transfer stations and sanitary landfills.**

(1) Open to Public - Subject to Fee. Transfer stations and sanitary landfills shall be opened to the residents of Lewis County for the disposal of solid wastes; and to nonresidents who dispose of 10 gallons or less in any one 24-hour period; each subject to such fees as may be established pursuant to LCC 8.15.210.

(2) Requirements for Use by Public. Each person who shall use transfer stations, drop boxes and/or sanitary landfills for the disposal of solid waste shall comply with haulage and spillage requirements as set forth hereinabove. Disposal of solid waste by any member of the public shall be at a designated transfer station, drop box or sanitary landfill in such a manner as will conform with RCW 70.95.240 and the Lewis County Health Board Regulations. Persons disposing of solid waste shall

comply with any and all signs or directions posted or given by attendants at said solid waste facilities. Any improper disposal of solid waste at a transfer station or sanitary landfill shall be deemed a violation of this article. [Ord. 1157, 1998; Ord. 1046-A § 1, 1980; Ord. 1046 Art. VIII, 1975]

#### **8.15.260 Solid waste disposal.**

(1) License Required and Standards Met. Each solid waste transfer station, sanitary landfill, wood waste landfill, incinerator, reclamation site or other disposal site shall possess a valid permit to operate from the Lewis County health board. Operations shall meet and maintain the minimum standards of Chapter 173-304 WAC and the associated regulations of the health board.

(2) Unauthorized Dump Abatement - Signs. When an unauthorized dump containing solid waste has been located in Lewis County and the person or persons responsible for the same cannot be located or apprehended, it shall be the responsibility of the solid waste administrator to arrange for the removal of such solid waste in the most expedient manner available, and cause signs to be posted prohibiting further dumping at such site.

(3) Wood Waste Landfills. A wood waste landfill shall not be established or substantially altered until the site location and operation has been approved by a permit from the health officer. Only wood waste, and nonputrescible material such as, but not limited to, rock, sand, and ashes may be landfilled at a wood waste landfill unless specific permission is first obtained from the health officer for disposal of other types of waste. The wood waste landfill site shall be located, designed, constructed, operated, and maintained so as to prevent the creation of a nuisance and comply with state and local requirements for fire protection, water and air pollution prevention and esthetics. [Ord. 1157, 1998; Ord. 1123 § 16, 1992; Ord. 1046 Art. IX, 1975]

#### **8.15.270 Right of entry.**

Right to Enter - Inspection. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this article or other applicable law, the authorized representative is hereby authorized to enter such property at any reasonable time to inspect the site and to perform any duty imposed by this article pursuant to the provisions of LCC Chapter 1.25 and as otherwise permitted at law. [Ord. 1157, 1998; Ord. 1046 Art. X, 1975]

#### **8.15.280 Violation - Penalties.**

(1) Violation – Misdemeanor; Civil Infraction. Any person violating or failing to comply with any term or provision of this article, on conviction thereof, shall be subject to the penalties in LCC 1.20.020 and LCC 1.20.040.

(2) Cost of Abatement. Any fine, imprisonment or both imposed hereunder shall be in addition to a revocation of permit, license or other permissive document; and any hauler, collector, operator of a transfer station or landfill or other person or entity licensed or permitted to deal with solid waste hereunder shall be subject to revocation of such permits and/or licenses and unilateral cancellation of contract for violation of this article. [Ord. 1180 §8, 2002; Ord. 1157, 1998; Ord. 1046 Art. XI, 1975]

#### **8.15.290 Appeals.**

Any aggrieved person may appeal in writing a decision pertaining to the technical provisions of this article to the Lewis County Hearing Examiner as provided for under Chapter 2.25 LCC or Health Board Ordinance, as appropriate. [Ord. 1157, 1998; Ord. 1046 Art. XII, 1975]

**Chapter 8.20**  
**INFECTIOUS WASTE**

Sections:

- Article I. Title,  
Purpose, Definitions, and Scope
- 8.20.010 Title.
- 8.20.020 Purpose.
- 8.20.030 Definitions.
- 8.20.040 Scope.
- Article II. Administration
- 8.20.050 Establishment of infectious waste activity permit.
- 8.20.060 Classification of infectious waste activities.
- 8.20.070 Infectious waste activity permit - Application.
- 8.20.080 Fees.
- 8.20.090 Processing.
- 8.20.100 Recommendations of other agencies.
- 8.20.110 Board of county commissioners public hearing date.
- 8.20.120 Notice of public hearing.
- 8.20.130 Public hearings.
- 8.20.140 Infectious waste activity permit approval.
- 8.20.150 Annual permit compliance inspection.
- 8.20.160 Rescission of infectious waste activity permits.
- Article III. Minimum Standards for Infectious Waste Activities
- 8.20.170 Applicability.
- 8.20.180 Appropriate containment, labeling - Effective treatment, transport or disposal.
- 8.20.190 Written policies and procedures.
- 8.20.200 Containment.
- 8.20.220 Storage.
- 8.20.220 Treatment.

- 8.20.230 Protection in transport.
- 8.20.240 Transporting off-site.
- 8.20.250 Locational guidelines.

- Article IV. Modification,  
Appeals, Enforcements, and Penalties
- 8.20.250 Modification and appeals.
- 8.20.260 Enforcement and penalties.

**Article I. Title,  
Purpose, Definitions, and Scope**

**8.20.010 Title.**

This chapter shall be cited as the Lewis County infectious waste chapter. [Ord. 1157, 1998; Ord. 1112 § 1, 1991]

**8.20.020 Purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare by provisions designed:

- (1) To protect human life and health;
- (2) To minimize the impact of activities involving infectious waste on the natural environment of Lewis County;
- (3) To ensure that those involved in the storage, transportation, treatment, and disposal of infectious waste in Lewis County assume responsibility for their activities and actions. [Ord. 1157, 1998; Ord. 1112 § 2, 1991]

**8.20.030 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (1) "Bedding" means bedding that has been used for laboratory animals.
- (2) "Carcasses, body parts, blood and bodily fluids, and bedding of laboratory animals" means carcasses, body parts, blood and bodily fluids in liquid or semiliquid form, and bedding of laboratory animals that have been intentionally or are suspected of having been exposed to pathogens in

research, in production of biologicals, in the in vivo testing of pharmaceuticals, or other procedures.

(3) “Container” means any portable device or material in which infectious waste is stored, transported, treated, disposed of, or otherwise handled.

(4) “Contaminated sharp” means an object that is capable of cutting or penetrating the skin and has been in contact with blood or body fluids. The term includes a hypodermic or suture needle, syringe, scalpel blade, pipette, lancet, or broken glass.

(5) “Communicable disease” means a communicable disease as defined under Chapters 248-100 and 248-101 WAC.

(6) “Generation facility” means any of the following places where the generation of infectious waste occurs:

- (a) Hospital;
- (b) Ambulatory surgical center;
- (c) Medical/diagnostic laboratory;
- (d) Blood center;
- (e) Pharmaceutical company;
- (f) Academic research laboratory company;
- (g) Industrial research laboratory;
- (h) Health care facility as defined by Chapter 248-100 WAC;
- (i) Office and mobile units of health care providers;
- (j) Diet or health care clinic;
- (k) Office of a veterinarian;
- (l) Veterinary hospital;
- (m) Emergency medical services provider;
- (n) Mortuary;
- (o) Home health agency.

(7) “Health care provider” means a person employed as, or by, or receiving training from, a provider as defined by Chapter 248-100 WAC, or by a laboratory, blood center, state institution, or any other facility where a person is likely to have direct contact with blood or body fluids.

(8) “Hearing Examiner” means the Office of the Lewis County Hearing Examiner, the Examiner and Deputy Examiners.

(9) “Infectious waste activity” means all activities during and following the transportation of infectious waste from a generation facility. This includes transportation, storage, treatment, or disposal of infectious waste as defined by this chapter.

(10) “Infectious waste” means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes but is not limited to the following:

- (a) Contaminated sharps or contaminated objects that could potentially become contaminated sharps;
- (b) Infectious biological cultures, infectious associated biologicals, and infectious agent stock;
- (c) Pathological waste;
- (d) Blood and blood products in liquid and semiliquid form;
- (e) Carcasses, body parts, blood and body fluids in liquid and semiliquid form, and bedding of laboratory animals; and
- (f) Other waste that has been intermingled with infectious waste.

(11) “Mortuary” means a funeral home.

(12) “Pathological waste” means tissues, organs, body parts, and blood or body fluids in liquid or semiliquid form of humans that are removed during surgery, biopsy, or autopsy.

(13) “Person” means any individual, facility, partnership, copartnership, firm, company, association, joint-stock company, corporation, government entity, or agent.

(14) “Secured area” means an area that is designed for and maintained to prevent the entry of unauthorized persons.

(15) “Semiliquid blood and blood products” means blood and blood products that have intermediate fluid properties and

are capable of flowing in a manner similar to a liquid.

(16) "State board" means the Washington State Board of Health.

(17) "Storage" means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

(18) "Veterinarian" means a person authorized to practice veterinary medicine by the state of Washington.

(19) "Waste" means any solid, liquid, or semiliquid material that is discarded or is being accumulated prior to being discarded or that has served its natural, biological, medical, or intended purpose and is generally discarded and not reused.

(20) "Waste handlers" means any person who handles infectious waste. [Ord. 1157, 1998; Ord. 1112 § 3, 1991]

#### **8.20.040 Scope.**

(1) Applicability. The requirements of this chapter shall apply, without regard to quantity, to defined facilities and persons involved in infectious waste activity. This rule represents the minimum standards required by Lewis County, however, persons may utilize more stringent standards.

(2) Exemptions. The provisions of this chapter shall not apply to the following:

(a) The transportation of infectious waste through Lewis County where no storage, treatment, or disposal of the transported infectious waste occurs within Lewis County. [Ord. 1157, 1998; Ord. 1112 § 4, 1991]

### **Article II. Administration**

#### **8.20.050 Establishment of infectious waste activity permit.**

A regulatory permit entitled an infectious waste activity permit shall be obtained prior to the undertaking of any infectious waste activity subject to the requirements of this chapter. The permit

shall be for all structures and activities involved in infectious waste storage, transportation, treatment, and disposal as set forth in LCC 8.20.030. [Ord. 1157, 1998; Ord. 1112 § 5(A), 1991]

#### **8.20.060 Classification of infectious waste activities.**

Applications for infectious waste activity permits shall be divided into two separate categories of operations which are defined as follows:

(1) Class I Infectious Waste Activities. These are activities which, as a result of the storage, transportation, treatment, and disposal of infectious waste, will have emissions or discharges into the air, ground water, surface water, or other elements of the physical environment.

(2) Class II Infectious Waste Activities. These are activities which will have no emissions or discharges into the physical environment which result from the storage, transportation, treatment, and disposal of infectious waste. [Ord. 1157, 1998; Ord. 1112 § 5(B), 1991]

#### **8.20.070 Infectious waste activity permit - Application.**

Any person desiring to undertake an infectious waste activity within the unincorporated area of Lewis County shall submit an application for an infectious waste activity permit to the Lewis County community development department on such forms as required by the director of said department.

In addition to the application form(s), the applicant shall also submit a completed environmental checklist.

Application forms for Class I infectious waste activities may require additional and more detailed information than those application forms for Class II activities. [Ord. 1157, 1998; Ord. 1112 § 5(C), 1991]

#### **8.20.080 Fees.**

(1) Initial Permit Application Fee. At the time of filing of an application for the approval of an infectious waste activity permit, the applicant shall submit a nonrefundable application fee payable to Lewis County according to the following schedule:

(a) Class I infectious waste activities: \$3,600.

(b) Class II infectious waste activities: \$600.00.

(2) Annual Permit Compliance Inspection Fee. Each permitted infectious waste activity shall have an annual inspection conducted by Lewis County to review compliance of the activity with the requirements of this chapter and any conditions of permit approval.

(a) Class I infectious waste activities: \$750.00.

(b) Class II infectious waste activities: \$300.00. [Ord. 1157, 1998; Ord. 1112 § 5(D), 1991]

#### **8.20.090 Processing.**

Upon receipt of an application for an infectious waste activity permit, the community development department shall affix a file number and date of receipt to the application and promptly forward copies of the permit application and all supporting material to the following agencies as appropriate with a request for their comments on the proposal:

(1) Lewis County health board and department of health & social services-environmental health section;

(2) Lewis County engineer;

(3) Lewis County building official;

(4) Lewis County fire marshal;

(5) Lewis County department of planning;

(6) Other county officials concerned within the scope of their municipal function;

(7) Proper city officials when the project is within one mile of their corporate limits;

(8) The District Engineer of the Washington State Department of Transportation when the project is adjacent to the rights-of-way of existing or proposed state highways;

(9) Local fire district;

(10) Any other agency with interest, expertise, or jurisdiction. [Res. 99-515, 1999\*; Ord. 1157, 1998; Ord. 1112 § 5(E), 1991]

#### **8.20.100 Recommendations of other agencies.**

Each of the departments, municipalities, officials, or agencies shall have no less than 30 days to review the proposal and forward their comments to Community development department. Failure to submit comments within the review period shall be interpreted as to indicate that the proposed infectious waste activity will not adversely affect any matters of concern to or under the jurisdiction of the reviewing agency. [Ord. 1157, 1998; Ord. 1112 § 5(F), 1991]

#### **8.20.110 Hearing Examiner public hearing date.**

(1) The community development department upon the receipt of an application completed in compliance with the requirements of this chapter, shall set the date for a public hearing on the proposal before Hearing Examiner.

(2) Said public hearing shall be held not less than 60 days for a Class I infectious waste activity or less than 30 days for a Class II infectious waste activity nor more than 90 days following the receipt of the permit application.

(3) Any application for which an environmental impact statement (EIS) is required shall not have its public hearing before Hearing Examiner until the final EIS for the project has been issued. [Ord. 1157, 1998; Ord. 1112 § 5(G), 1991]



#### **8.20.120 Notice of public hearing.**

The community development department shall give notices of the public hearing before the Hearing Examiner as follows:

(1) By arranging for the publication of a notice of public hearing in a newspaper of general circulation within the county to appear not less than 10 days prior to the hearing date.

(2) Through the U.S. Mail, postmarked at least 10 days prior to the date of the hearing to the following:

(a) The latest recorded land owners, as shown by the records of the Lewis County assessor, within at least 300 feet of the subject property.

(b) The legislative authority of any city or town within one mile of the project site.

(c) The State Department of Transportation, if the project is adjacent to the right-of-way of any state highway or within two miles of a state or municipal airport.

(3) By posting notice of such hearing on the subject property not less than 10 days prior to the hearing date.

(4) By any other reasonable method deemed appropriate by the director of said department.

(5) All public hearing notices shall include the following:

(a) The date, time, and place of the hearing.

(b) A brief description of the type of infectious waste activity being proposed.

(c) A brief legal description of the location of the project site and either a vicinity sketch or a location description in nonlegal language. [Ord. 1157, 1998; Ord. 1112 § 5(H), 1991]

#### **8.20.130 Public hearings.**

(1) Scope and Continuance. At the public hearing the Hearing Examiner shall consider all relevant evidence and

testimony. The Hearing Examiner shall consider the application for conformance with the requirements of this chapter, conformance to any adopted comprehensive land use plan, and other planning policies, standards, and specifications of the county.

The Hearing Examiner shall also consider the adequacy of access, sewage disposal, water supply, fire protection, surface drainage and runoff, and that the public health, safety, and welfare will be served. Any hearing may be continued by the Hearing Examiner if the applicant consents to an extension of such time period. Should the Hearing Examiner find that additional information is needed to evaluate the project, but the applicant does not consent to continuing the hearing, the Hearing Examiner may consider the need for additional information as sufficient cause for the denial of the application.

(2) Records. Records of the Hearing Examiner hearings on applications for infectious waste activity permits shall be kept in accordance with Chapter 2.25 LCC.

(3) Conduct of Hearing. The hearing before the Hearing Examiner shall be conducted as a substantive hearing in accordance with Chapter 2.25 LCC. [Ord. 1157, 1998; Ord. 1112 § 5(I), 1991]

#### **8.20.140 Infectious waste activity permit approval.**

(1) Approval of an infectious waste activity permit by the Hearing Examiner shall provide notice to the applicant that he may proceed with the development of the project subject to acquiring all other necessary federal, state, and local permits or authorizations along with any other permission needed to complete the project.

(2) Should the project fail to be completed within three years of the date of approval by the board, the permit shall expire and a reapplication shall be necessary for project completion. However, the Hearing Examiner may grant a one-year

extension to the period of permit approval upon a written request filed prior to the expiration of the three-year approval period and showing that (a) significant and substantial progress has been made towards project completion and (b) that the project can be completed within the one-year extension.

(3) All projects not completed upon the expiration of the approval period or the one-year extension period must reapply for approval to complete the project. [Ord. 1157, 1998; Ord. 1112 § 5(K), 1991]

#### **8.20.150 Annual permit compliance inspection.**

Each permitted infectious waste activity shall be subject to inspection by county and applicable Lewis County health board regulations to review the operation and determine whether the activity is operating in compliance with the requirements of this chapter and any conditions of permit approval. This inspection shall be held at the first mutually convenient date for all involved parties following the anniversary of the approval of the permit.

(1) Application for Annual Permit Compliance Inspection. The applicant shall make application for the annual inspection on forms provided by the Community development department. Upon submission of the application, the applicant shall also submit the annual site inspection fee set forth in LCC 5.20.080(2).

(2) Failure to Apply for the Annual Permit Compliance Inspection. Failure of the applicant to apply for the annual permit compliance inspection shall result in the immediate revocation of the infectious waste activity permit for the project until such application has been made, the inspection has been conducted, and the operation found to be in compliance with the requirements of this chapter and the conditions of permit approval.

The community development department shall be responsible for the monitoring of the expiration of the application deadline for applications for the annual permit compliance inspections and pursuing revocation of the permit for the failure of any permitted activity to make such application. [Ord. 1157, 1998; Ord. 1112 § 5(L), 1991]

#### **8.20.160 Rescission of infectious waste activity permits.**

Any permit granted pursuant to this chapter may be rescinded or modified upon a finding by the Hearing Examiner that (a) the project has not been completed within the time period(s) set forth in LCC 8.20.150 or (b) the activity is not operating in compliance with the requirements of this chapter or any conditions of permit approval.

(1) Service of Notice. The Hearing Examiner may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee. Such notice shall be by certified mail.

(2) Public Hearing. Before a permit may be rescinded or modified, a public hearing shall be held by the Hearing Examiner no sooner than 30 days following the service of notice upon the permittee. The Hearing Examiner shall have the power to prescribe rules and regulations for the conduct of such hearings.

(3) Findings. Every decision made by the Hearing Examiner to rescind or modify a permit shall be in writing and include findings of fact and conclusions to support the decision.

(4) Records. Records of the board's proceedings concerning permit rescissions and modifications shall be kept by the clerk of the board and shall be open for public inspection. [Ord. 1157, 1998; Ord. 1112 § 5(M), 1991]

### **Article III. Minimum Standards for Infectious Waste Activities**

#### **8.20.170 Applicability.**

The standards contained within this article shall be the minimum required by Lewis County for infectious waste activities. These standards shall apply, without regard to quantity, to defined facilities and persons involved in infectious waste activity. However, persons may utilize more stringent standards if they so wish. [Ord. 1157, 1998; Ord. 1112 § 6, 1991]

#### **8.20.180 Appropriate containment, labeling-Effective treatment, transport or disposal.**

For the purposes of this chapter, the infectious waste generation facilities or any other generator of infectious waste is responsible for the appropriate containment, appropriate labeling, effective treatment, transport, and disposal of infectious waste as required herein. A person may provide services to the generator of infectious waste, including the appropriate containment, appropriate labeling, effective treatment, transport, or disposal of infectious waste. Both the generator of infectious waste and the person providing the services to the generator of infectious waste are responsible for complying with the requirements set forth in this chapter. [Ord. 1157, 1998; Ord. 1112 § 6(A), 1991]

#### **8.20.190 Written policies and procedures.**

All persons and facilities subject to the requirements of this chapter shall:

(1) Have a written policy and procedures that, at a minimum, contain:

(a) The requirements contained in this section, and

(b) The sanctions, including discipline and dismissal of persons, if

warranted, for failure to follow the requirements set forth in this section;

(2) Provide necessary instruction and materials including protective garments to implement this section prior to giving a person an assignment where contact with infectious waste is likely;

(3) Maintain a record of instruction, including an attendance record of a person's participation in the instruction; and

(4) Make all records available for inspection by Lewis County upon request. [Ord. 1157, 1998; Ord. 1112 § 6(B), 1991]

#### **8.20.200 Containment.**

(1) All persons and facilities subject to the requirements of this chapter shall ensure that infectious waste is at all times contained in a manner that will reasonably protect waste handlers and the public from contracting dangerous communicable disease that may result from exposure to the infectious waste.

(2) All persons and facilities subject to the requirements of this chapter shall place contaminated sharps or contaminated objects that could potentially become contaminated sharps, infectious biological cultures, infectious associated biologicals and infectious agent stock in containers that are:

(a) Leakproof, rigid, puncture resistant;

(b) Tightly sealed to prevent expulsion;

(c) Labeled with the biohazard symbol; and

(d) Effectively treated in accordance with this chapter prior to being stored in an unsecured area for final disposal.

(3) All persons and facilities subject to the requirements of this chapter shall place pathological waste; laboratory animal carcasses, laboratory animal body parts, laboratory animal blood and body fluids, and laboratory animal bedding; human blood, human blood products in liquid or

semiliquid form, and human body fluids that are visibly contaminated with blood in containers that are:

- (a) Impervious to moisture;
- (b) Sufficiently strong and thick to prevent expulsion;
- (c) Secured to prevent leakage or expulsion;
- (d) Labeled with the biohazard symbol; and
- (e) Effectively treated in accordance with this chapter prior to being placed in an unsecured area and sent for final disposal. [Ord. 1157, 1998; Ord. 1112 § 6(C), 1991]

#### **8.20.210 Storage.**

If infectious waste is stored prior to final disposal, all persons subject to this chapter shall:

- (1) Store infectious waste in a secure area that:
  - (a) Is locked or otherwise secured to eliminate access by or exposure to the general public,
  - (b) Affords protection from adverse environmental conditions and vermin, and
  - (c) Has a prominently displayed biohazard symbol;
- (2) Store infectious waste in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction; and
- (3) Disinfect reusable containers for infectious waste each time that they are emptied, unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags or other devices that are removed with the infectious waste. [Ord. 1157, 1998; Ord. 1112 § 6(D), 1991]

#### **8.20.220 Treatment.**

(1) All persons and facilities subject to the requirements of this chapter shall either effectively treat infectious waste in accordance with this section or transport

infectious waste off-site for effective treatment in accordance with this section.

(2) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific infectious waste involved, and is carried out in a manner consistent with this section. Effective treatment may include:

- (a) Incineration;
- (b) Steam sterilization;
- (c) Chemical disinfection;
- (d) Thermal inactivation;
- (e) Irradiation; or

(f) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with the laws of the state of Washington and Lewis County.

(3) Except as provided in LCC 8.20.250, all persons and facilities subject to the requirements of this chapter may store, transport, and dispose of infectious waste that has been effectively treated in accordance with this chapter in the usual manner for waste that is noninfectious. [Ord. 1157, 1998; Ord. 1112 § 6(E), 1991]

#### **8.20.230 Protection in transport.**

All persons subject to the requirements of this chapter shall:

- (1) Transport infectious waste in a manner that reasonably protects waste handlers and the public from contracting dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this chapter before it is compacted. [Ord. 1157, 1998; Ord. 1112 § 6(F), 1991]

#### **8.20.240 Transporting off-site.**

All persons and facilities subject to the requirements of this chapter who are transporting infectious waste off-site shall:

- (1) Mark containers of infectious waste with a label that states the name, address, and telephone number of the generating facility and treatment facility, if applicable.
- (2) Provide a form that contains:

(a) The name, address, and telephone number of the generating facility and treatment facility, if applicable;

(b) A brief description of the waste and the method of effective treatment; and

(c) The signature of a responsible person.

(3) Transport infectious waste only in vehicles approved by the state of Washington to transport infectious waste. [Ord. 1157, 1998; Ord. 1112 § 6(G), 1991]

#### **8.20.250 Locational guidelines.**

The following criteria should be used for siting infectious waste activities:

(1) Infectious waste activities shall not be located within a 500-year frequency floodplain identified by the Federal Emergency Management Agency (FEMA). [Ord. 1157, 1998; Ord. 1112 § 6(H), 1991]

### **Article IV. Modification, Appeals, Enforcements, and Penalties**

#### **8.20.260 Modification and appeals.**

(1) Variances. When necessary, the Hearing Examiner may authorize variances to the requirements of this chapter. Application for a variance shall be made as a part of the application for an infectious waste activity permit and shall state fully the grounds of the variance application and the facts relied upon by the petitioner.

The Hearing Examiner shall find that all of the following facts, with respect to the variance application, are met:

(a) That the variance is in harmony with the general purpose and intent of this chapter;

(b) That the granting of the variance will not be detrimental to the public health, safety, and general welfare or injurious to other property in the vicinity of the property involved; and

(c) That extraordinary hardship would result from strict compliance with

these regulations because of special circumstances or conditions.

(2) Appeals. Any decision of the Hearing Examiner approving or disapproving an application for an infectious waste activity permit shall be reviewable as provided in Chapter 2.25 LCC.[ Ord. 1157, 1998; Ord. 1112 § 7, 1991]

#### **8.20.270 Enforcement and penalties.**

(1) Permits Prohibited. No building permit, septic tank permit, or other development permit shall be issued for any activity being conducted in violation of the requirements of this chapter.

(2) Action to Restrain Violations. The office of the Lewis County prosecuting attorney shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(3) Any person who fails to comply with this chapter shall also be subject to the monetary penalties in LCC 1.20.020 and LCC 1.20.040. Each violation or day of noncompliance shall constitute a separate violation.

(4) Any penalty imposed pursuant to this section shall be subject to review by the board of county commissioners of Lewis County. [Ord. 1180 §9, 2002; Ord. 1157, 1998; Ord. 1112 § 8, 1991]

## **Chapter 8.30**

### **LITTER CONTROL**

#### **Sections:**

|          |   |
|----------|---|
| 8.30.010 | Purpose.                                |
| 8.30.020 | Litter.                                 |
| 8.30.030 | Litter receptacles.                     |
| 8.30.040 | Mandatory litter bags.                  |
| 8.30.050 | Sweeping litter into gutter prohibited. |
| 8.30.060 | Handbills.                              |
| 8.30.070 | Vehicle loading.                        |
| 8.30.080 | Evidence.                               |
| 8.30.090 | Violation - Penalty.                    |

#### **8.30.010 Purpose.**

The purpose of this chapter is to accomplish litter control in the county. This chapter is intended to place upon all persons within the county the duty of contributing to the public cleanliness of the county and appearance in order to promote public health, safety and welfare and to protect the economic interests of the people of the county against unsanitary and unsightly conditions. It is the further intent of this chapter to protect the people against the health and safety menace and the expense incident to littering. [Ord. 1096 § 1, 1987]

#### **8.30.020 Litter.**

In general no person shall throw, drop, deposit, discard or otherwise dispose of litter, as that term is defined in RCW 70.93.030(4), upon any public place in the county or upon any private property not owned by him, or in any waters within the jurisdiction of the county whether from a vehicle or otherwise including, but not limited to, any highway, street, alley, sidewalk, or park, except:

(1) When such property is designated by the county or other public authority for the disposal of garbage and refuse, and such person is authorized by the proper public authority to so use such property. The duly

designated locations as presently fixed by the board of county commissioners are:

(a) Ethel - 1037 Spencer Road, Ethel. At the intersection of the Classe Road and Spencer Road, just east on Spencer Road on the north side. More particularly described as:

A portion of Government Lot 1 in Section 31, Township 12 North, Range 1 East, W.M., described as follows: Beginning at the Northwest corner of said Section 31; thence East, along the North line of said Section 31, to the County Road, known as the Spencer Road, thence in a Southwesterly direction along said road to the West line of said Section 31; thence North, along said West line to the place of beginning. Except County Road.

(b) Meskill - 3547 State Highway 6, Chehalis. Approximately 10 miles west of Chehalis on Highway 6 on the south side of the highway. Just before River Road. More particularly described as:

Portion North 295.16' of SW 4, Section 15, Township 13 North, Range 4 West, W.M., lying west of State Hwy. 6.

(c) Mineral - 292 Mineral Creek Road, Mineral. Approximately three miles east of Mineral on the Mineral Creek Road on the south side. More particularly described as:

Portion SE 4, NW 4, Section 10, Township 14 North, Range 5 East, W.M.

(d) Mossyrock - 515 Larson Road, Mossyrock. Approximately three miles north of Highway 12 on the Larson Road on the south side. More particularly described as:

Portion E 2, NE 4, Section 1, Township 12 North, Range 2 East, W.M.

(e) Morton Transfer Station - Approximately four miles east of Morton on

Highway 12 on the north side. More particularly described as:

All that part of the NE1/4 NE1/4, Section 13, Township 12 North Range 4 East, W.M., lying Northerly of U.S. Highway 12 as located this date, excepting therefrom the following described tract of land.

Beginning at a point of intersection of the Northeasterly right of way boundary of U.S. Highway 12 with the Easterly line of the NE1/4 NE1/4 Section 13 TWP 12N Range 4E W.M. said bears N 1 degree 08' E a distance of 649.21 feet from the NE Corner of said Section 13. Thence following the Northeasterly boundary of U.S. Highway 12, N 31 degrees 30' E, a distance of 237.24 feet to a point; thence N 31 degrees 30' E, a distance of 99.41 feet to a point; thence S 58 degrees 30' E, to the Easterly line of the said NE1/4 NE1/4 Section 13, a distance of 115.21 feet to the point of beginning thence southerly along the Easterly line of the said NE1/4 NE1/4. Situate in the county of Lewis, state of Washington.

(f) Onalaska - 201 Alexander Road, Onalaska. Just west of Onalaska off Alexander Road on 2nd Street. More particularly described as:

West 295.16' of North 295.16' of South 669.01', SW 4, SE 4 and 60' strip being South 60', North 211.75' of West 1085.9', SW 4, SE 4, Section 30, Township 13 North, Range 1 East W.M.

(g) Packwood - 12919 U.S. Highway 12, Packwood. Just south of Packwood city limits on the west side of Highway 12. More particularly described as:

S/2, NE 4, SE 4, Section 21, Township 13 North, Range 9 East, W.M. except part east of Highway.

(h) Randle - 9392 U.S. Highway 12, Randle. Approximately two miles west of Randle on the south side of Highway 12. More particularly described as:

Portion NW 4, NE 4, Section 13, Township 12 North, Range 6 East, W.M.

(i) Toledo - 294 Highway 505, Toledo. Midway between Highway 5 and Toledo on Highway 505 on the south side. More particularly described as:

A part of the George Drew Donation Land Claim, Section 12 Township 11 North, Range 2 West W.M. being located southerly of S.S.H.I.Q. (S.R. 505) and being further described as follows:

Beginning at an intersection of the Southerly right of way boundary of said S.R. 505 and the Easterly boundary of said Drew D.L.C. thence N89-22'W along the Southerly boundary of S.R. 505, a distance of 200.00 feet; thence Southerly and parallel with the Easterly boundary of said Drews D.L.C., a distance of 360.0 feet; thence S89-22'E, to the said Easterly boundary of Drews D.L.C., a distance of 200 feet more or less, thence Northerly along said Easterly boundary of Drews D.L.C. to the point of beginning, a distance of 360 feet more or less. Containing 1.8 acres more or less, and being a part of those lands described in Deed Volume 316, page 529, of the office of the Lewis County auditor.

(j) Winlock - 1105 Winlock/Vader Road. Midway between Winlock and Vader on the east side of the Winlock/Vader Road. More particularly described as:

Part SE4, SW4, Section 8, Township 11 North, Range 2 West W.M. lying west of creek except county road.

(2) Into a litter receptacle or other container in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said public place or any private property.

(3) When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or

unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations. [Ord. 1157, 1998; Ord. 1096 § 2, 1987]

#### **8.30.030 Litter receptacles.**

##### **(1) Placement.**

(a) Litter receptacles shall be placed in all places in respect to the service of transient habitation including, but not limited to, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas, and other such public places in numbers appropriate to need as specified by state regulation.

(b) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such county and state regulations.

(2) Use. Litter receptacles placed as required above shall be used only for such litter material as persons may have for disposal while passing along the street or other public place and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.

(3) Maintenance. It shall be the responsibility of the local municipality, agency or person owning the receptacle to maintain and remove the litter from same.

(4) Damaging. It shall be unlawful for any person to willfully damage or deface any litter receptacle. [Ord. 1157, 1998; Ord. 1096 § 3, 1987]

#### **8.30.040 Mandatory litter bags.**

(1) The owner or person in possession of all vehicles or watercraft shall keep a litter

bag or other suitable container in said vehicle or watercraft at all times.

(2) No person, while a driver or passenger in any vehicle or watercraft, shall throw or otherwise deposit litter upon any property. [Ord. 1157, 1998; Ord. 1096 § 4, 1987]

#### **8.30.050 Sweeping litter into gutter prohibited.**

No person shall sweep into, or deposit in, any gutter, street, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter. [Ord. 1157, 1998; Ord. 1096 § 5, 1987]

#### **8.30.060 Handbills.**

(1) No person shall throw or deposit any handbill upon any public place or public or private vehicle within the county; provided, however, that it shall not be unlawful for any person to hand out any handbill to any person who is willing to accept it; to post any such handbill on private property with permission of the owner; or for public officers performing official duties to place such official notices or warnings as may be appropriate to law enforcement, public notice and public safety.

(2) No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.

(3) Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon other private property. [Ord. 1157, 1998; Ord. 1096 § 6, 1987]



### **8.30.070 Vehicle loading.**

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand and gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by the public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

(2) Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway or street shall immediately cause such public highway or street to be cleaned of all such glass or other objects and shall pay any cost therefor. [Ord. 1157, 1998; Ord. 1096 § 7, 1987]

### **8.30.080 Evidence.**

The presence of the name of one individual on two or more items of litter disposed of in violation of this chapter shall constitute evidence that the individual whose name appears on such items committed the unlawful act of littering. [Ord. 1157, 1998; Ord. 1096 § 8, 1987]

### **8.30.090 Violation - Penalty.**

(1) Public Nuisance. Violation of this chapter is declared a public nuisance and the owner of any interest in property, public or private, may recover from the offender all necessary and reasonable expenses incurred in the cleanup and removal of any materials deposited in a manner contrary to this chapter.

(2) Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of

this chapter, shall be subject to the civil penalties in LCC 1.20.040.

(a) Whenever the director of public services or his designee determines that a violation occurred, the director of public works or his designee is authorized to issue a notice of infraction directed to the person(s) committing or causing such violation pursuant to the provisions of LCC 1.20.040;

(3) In addition to the penalty imposed in subsection (2) above, any person who violates any provision of this chapter more than two times, except where infirmity or age or other circumstances would create a hardship, any such person may be directed by the court in which the fine is levied to pick up and remove litter from public property, and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than 16 hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities. [Ord. 1180 §10, 2002; Ord. 1157, 1998; Ord. 1096 § 9, 1987]

## **Chapter 8.30**

### **NUISANCES ON HIGHWAYS AND RIGHTS-OF-WAY**

Sections:

8.35.010 Public nuisances on  
highways.

#### **8.35.010 Public nuisances on highways.**

(1) Whenever there shall exist upon the roadway of the county, the right-of-way of any county road or off the right-of-way thereof, in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such county roadway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, such structure, device, or natural or artificial thing is hereby declared to be a public nuisance and the Lewis County traffic engineer, acting through the code compliance officer of the Lewis County community development department, is empowered to take such action as may be necessary to effect the abatement of the same.

(2) Prior to commencing abatement measures, the traffic engineer shall make a reasonable attempt to notify the landowner of his duty to immediately remove the nuisance; provided, however, failure to actually notify said landowner shall not constitute a bar to the traffic engineer taking appropriate abatement action within the purview of this chapter.

(3) Any such structure, device or natural or artificial thing considered by the code compliance officer, acting in concert with the Lewis County traffic engineer and through the public works division, to be immediately or eminently dangerous to travel upon a county roadway may be forthwith removed and such removal shall in

no way constitute a breach of the peace or a trespass.

(4) Logs or materials dumped on any county roadway, right-of-way, or county drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the county roadway or right-of-way, after reasonable attempts to notify the owner, shall be confiscated and removed or disposed of as directed by the Lewis County traffic engineer and board of county commissioners.

(5) Any person who shall willfully fail to comply with the requirements of this chapter shall be subject to the penalties in LCC 1.20.020 and LCC 1.20.040 [Ord. 1180 §11, 2002; Res. 99-515, 1999\*; Ord. 1157, 1998; Ord. 1120, 1991]

\*[Note: The Code compliance officer is currently assigned by Resolution to the Department of Community Development.]

## **Chapter 8.40**

### **ON-SITE SEWAGE SYSTEMS**

#### Sections:

- 8.40.010 Intent and Purpose.
- 8.40.020 Application and Scope.
- 8.40.030 Authority.
- 8.40.040 Definitions.
- 8.40.050 Administration.
- 8.40.060 Alternative, Proprietary and Experimental Systems.
- 8.40.070 Connection to Public Sewer System.
- 8.40.080 Large On-site Sewage Systems (LOSS).
- 8.40.090 Permits For On-site Sewage System Under 3500 Gal. per Day.
- 8.40.100 Location.
- 8.40.110 Soil and Site Evaluation.
- 8.40.120 Design.
- 8.40.130 Holding Tank Sewage Systems.
- 8.40.150 Inspection.
- 8.40.160 Operation and Maintenance.
- 8.40.170 Repair of Failures.
- 8.40.180 Expansions.
- 8.40.190 Abandonment.
- 8.40.200 Septage Management.
- 8.40.210 Developments, Subdivisions, and Minimum Land Area Requirements.
- 8.40.220 Areas of Special Concern.
- 8.40.230 Certification of Installers and Pumps.
- 8.40.231 Discipline, Revocation and Suspension Involving Installers and Pumps.
- 8.40.240 Wavier of State Regulations.
- 8.40.250 Enforcement.
- 8.40.260 Hearing and Appeal.
- 8.40.270 Violations and Penalties.
- 8.40.280 (Reserved.)
- 8.40.290 Fee Schedules.
- 8.40.300 Effective Date.

#### **8.40.010 Intent and Purpose.**

(1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent disposal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) This chapter is adopted by the Board of Health in accordance with the authority granted in RCW 70.05.060(3) to establish minimum requirements for the Department, and local Boards of Health. [Ord. 1160, 1998; H98-326 §3, 1998]

#### **8.40.020 Application and Scope.**

(1) These rules and regulations shall apply to all areas of Lewis County, Washington. It shall be unlawful to occupy, dwell in, own, or rent a dwelling unit, commercial structure, recreational development or other structure commonly used by human beings without one of the following systems in proper working order:

(a) A sewage system approved through these rules and regulations; or

(b) A municipal sewerage system; or

(c) A sewage system approved through earlier ordinances, regulations or resolutions of Lewis County or Lewis County Health District; or

(d) A sewage system installed prior to the enactment of any sewage disposal ordinance, regulations or resolutions of Lewis County or Lewis County Health District; or

(e) A system approved by the Health

Officer.

(2) These regulations do not apply, except as specifically noted, to public sewage collection, treatment, and systems.

(3) These rules and regulations shall be mandatory upon the construction of all new sewage systems, and the expansion or alteration of existing sewage systems, whether serving a residence, structure, or mobile dwelling unit from which human or other wastes are produced. These rules and regulations shall be mandatory upon all persons creating and disposing of sewage, and all persons constructing or altering sewage systems within Lewis county. [Ord. 1160, 1998; Ord. H98-326 §§4,5,6, 1998]

#### **8.40.030 Authority.**

The Health Officer and the local Board of Health shall administer these regulations under the authority and requirements of Chapters 70.05, and 43.20 RCW,. As provided in RCW 70.05.060 (7), fees may be charged for this administration. [Ord. 1160, 1998; Ord. H98-326 §7, 1998]

#### **8.40.040 Definitions.**

(1) “Additive” means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system. Additives must be approved by the State Department of Health as of January 1, 1996.

(2) “Alternative system” means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system that are designed in accordance with Technical Review Committee Guidelines so as to provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

(3) “Approved” means a written statement of acceptability, in terms of the requirements in this chapter, issued by the local Health Officer or the Department.

(4) “Approved list” means “List of

Approved Systems and Products”, developed annually and maintained by the DOH and containing the following:

(a) List of proprietary devices approved by the DOH;

(b) List of specific systems meeting treatment standard 1 and treatment standard 2;

(c) List of experimental systems approved by the DOH;

(d) List of septic tanks, pump chambers, and holding tanks approved by the DOH.

(5) “Area of special concern” means an area of definite boundaries delineated through public process, where a local Health Officer, or the Department in consultation with the Health Officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

(6) “Cesspool” means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock..

(7) “Conforming system” means any on-site sewage system, except an experimental system, meeting any of the following criteria:

(a) Systems in full compliance with new construction requirements under this chapter; or

(b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Systems or repairs permitted through Departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

(8) “Conventional gravity system” means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

(9) “Conventional pressure distribution system” means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by “Guidelines for Pressure Distribution Systems” by the Washington State Department of Health.

(10) “Covenant” means a recorded agreement stating certain activities and/or practices are required or prohibited.

(11) “Cuts and/or banks” means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope.

(12) “Designer” means a person who matches site and soil characteristics with appropriate on-site sewage technology.

(13) “Department” means Lewis County Environmental Services.

(14) “Development” means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage.

(15) “Disposal component” means a subsurface absorption system (SSAS) or other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

(16) “DOH” means the Washington State Department of Health.

(17) “Effluent” means liquid discharged from a septic tank or other on-site sewage system component.

(18) “Engineer” means a person who is licensed and in good standing under chapter 18.43 RCW.

(19) “Expansion” means a change in a residence, facility, site, or use that:

(a) Causes an on-site sewage system to exceed its existing treatment or

disposal capability, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

(20) “Experimental system” means any alternative system that has not had state approval on the alternative systems list.

(21) “Failure” means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

(a) Sewage on the surface of the ground;

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists; or

(e) Inadequately treated effluent contaminating ground water or surface water.

(f) Noncompliance with standards stipulated on the permit.

(22) “Ground water” means a subsurface water occupying the zone of saturated soil, permanently or seasonally. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of groundwater caused by intermittent periods of saturation

and drying, and may be indicative of poor aeration and impeded drainage. Also see “Water table”.

(23) “Health Officer” means the Lewis County Health Officer, or a representative authorized by and under the direct supervision of the Health Officer.

(24) “Holding tank sewage system” means an on-site sewage system which incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

(25) “Industrial wastewater” means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

(26) “Installer” means a qualified person approved by a local Health Officer to install or repair on-site sewage systems or components.

(27) “Large On-Site Sewage System (LOSS)” means any on-site sewage system with design flows, at any common point, greater than 3,500 gallons per day.

(28) “May” means discretionary, permissive, or allowed.

(29) “On-site sewage system (OSS)” means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

(a) Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, upon adjacent or nearby property; and

(b) Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

(30) “Ordinary high-water mark” means

the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. Where the ordinary high water mark cannot otherwise be found, the ordinary high water mark adjoining freshwater is the line of mean high water.

(31) “Person” means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

(32) “Planned unit development” means a development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

(33) “Pressure distribution” means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the “Guidelines for Pressure Distribution Systems” by the Department. Also see “conventional pressure distribution.”

(34) “Proprietary device or method” means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

(35) “Public Nuisance” means and includes any material violation of the provisions of this title. It also means and includes any unlawful act of omission or commission, which without any direct physical contact or interference endangers the lives, safety, health, comfort or property of the public.

(36) “Public sewer system” means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or

other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the Department of Ecology, the Department and/or a local Health Officer.

(37) “Pumper” Means a person approved by the local Health Officer to remove and transport wastewater or septage from on-site sewage systems.

(38) “Repair” means restoration, by reconstruction or relocation, or replacement of a failed on-site sewage system.

(39) “Reserve area” means an area of land approved for the installation of a conforming system and dedicated for 100% replacement of the on-site sewage system upon its failure.

(40) “Residential sewage” means sewage having the constituency and strength typical of wastewater from domestic households.

(41) “Restrictive layer” means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, some compacted soils, bedrock and unstructured clay soils.

(42) “Seepage pit” means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called “dry wells”.

(43) “Septage” means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other on-site sewage system components.

(44) “Septic tank” means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

(45) “Sewage” means any urine, feces,

and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, “sewage” is generally synonymous with domestic wastewater. Also see “residential sewage.”

(46) “Shall” means mandatory.

(47) “Soil log” means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

(48) “Soil type” means a numerical classification of fine earth particles and coarse fragments as described in WAC 246-272-11001(2)(e).

(49) “Subdivision” means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.

(50) “SSAS” or “subsurface soil absorption system” means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

(51) “Surface water” means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, and tidal waters.

(52) “Table VI Repair” means a repair or replacement of an existing on-site sewage system which, because of site limitations, must utilize treatment standards shown in Table VI in lieu of compliance with new construction requirements for vertical separation and/or horizontal set back from surface waters or drinking water wells or

springs.

(53) “Technical Review Committee” means the committee maintained by DOH in accordance with WAC 246-272-23501.

(54) “Treatment standard 1” means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (5 day BOD<sub>5</sub>), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

(55) “Treatment standard 2” means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (5 day BOD<sub>5</sub>), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

(56) “Unit volume of sewage” means:

- (a) A single family residence;
- (b) A mobile home site in a mobile home park; or
- (c) 450 gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

(57) “Vertical separation” means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 1A.

(58) “Water table” means the upper surface of the ground water, whether permanent or seasonal. Also see “ground water.”

(59) “Wave barrier” means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action. [Ord. 1160, 1998; Ord. H98-326 §8, 1998]

#### **8.40.050 Administration.**

(1) The Health Officer and the Department:

- (a) Shall apply this chapter to

on-site sewage system treating wastewater and disposing of effluent from residential sewage sources;

(b) May apply this chapter to on-site sewage system for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.

(2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations shall be acted upon in accordance with regulations in force at the time of preliminary plat approval for a maximum period of five years from the date of approval or for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date, unless the County Board of Health finds a change in conditions creates a serious threat to public health.

(3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the Health Officer determines that a serious threat to public health exists.

(4) The Washington State Department of Ecology has authority and approval over:

(a) Domestic or industrial wastewater under Ch. 173-240 WAC; and

(b) Sewage systems using mechanical treatment, or lagoons, with



ultimate design flows above 3,500 gallons per day.

(5) The Washington State Department of Health has authority and approval over:

(a) Systems with design flows through any common point between 3,500 to 14,500 gallons per day; and

(b) Any Large On-Site Sewage System "LOSS" for which jurisdiction has been transferred to the Department of Health under conditions of memorandum of agreement with the Department of Ecology.

(6) The Health Officer has authority and approval over;

(a) Systems with design flows through any common point up to 3,500 gallons per day;

(b) Any Large on-site Sewage System "LOSS" for which jurisdiction has been transferred to a local health jurisdiction from DOH by contract.

(7) Where this chapter conflicts with chapters 90.48 RCW, Water Pollution Control, the requirements under those statutes apply. [Ord. H11/18/02.2 §1, 2002; Ord. 1160, 1998; Ord. H98-326 §9, 1998]

#### **8.40.060 Alternative, Proprietary and Experimental Systems.**

(1) Alternate Systems and Proprietary Devices.

(a) The Health Officer shall only permit installation of alternative systems for which there are Technical Review Committee alternative system guidelines, or a proprietary device if it appears on the list of approved systems or devices maintained by DOH.

(b) The Health Officer:

(i) May require performance monitoring or sampling of any alternative system.

(ii) May charge fees to cover the costs for monitoring system performance.

(iii) Shall submit copies of evaluation reports to the Department when alternative system performance is evaluated.

(iv) Shall notify DOH of alternative system approvals and failures.

(2) Experimental Systems.

(a) The Health Officer:

(i) May permit a limited number of specific experimental systems if:

(A) The specific system is included on the DOH approved list of experimental systems under subsection (5)(b) of Chapter 246-272-05001 WAC;

(B) The site will accommodate the installation of a conforming system in the event of failure of the experimental system;

(C) Local agreements to provide for monitoring, sampling, testing, reporting, maintenance, repairs, and the replacement of the system in accordance with the protocol approved by DOH under subsection (1) of Chapter 246-272-05001 WAC are completed and signed.

(ii) May charge fees to cover the cost of evaluating or monitoring the experimental system.

(b) After the experimental system proposal is approved, the person noted as responsible for an experimental system program on the DOH approved list shall:

(i) Follow the experimental system protocol, procedures, and other related written agreements approved by DOH and the Health Officer;

(ii) Monitor the experimental system and submit records as required to meet DOH approval or the local Health Officer's permit; and

(iii) Annually renew each state experimental system permit.

(c) A person desiring to install an experimental system shall comply with regulations found in Chapter 246-272 WAC. [Ord. 1160, 1998; Ord. H98-326 §§10,11, 1998]

#### **8.40.070 Connection to Public Sewer System.**

(1) When adequate public sewer services are available within two hundred feet of the residence or facility, the Health Officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed. This section will be superseded by the most recently adopted version of the Uniform Plumbing Code.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the on-site sewage system under WAC 246-272-18501 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a Table VI repair as defined in Chapter 246-272-01001 WAC shall abandon the on-site sewage system according to the requirements specified in WAC 246-272-18501, and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the Health Officer;

(b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) The Board of Health may require a

new development to connect to a public sewer system to protect public health. [Ord. 1160, 1998; Ord. H98-326 §12, 1998]

#### **8.40.080 Large On-site Sewage Systems (LOSS).**

Plans and specifications for large on-site sewage systems shall be submitted to the Department of Health or the Washington State Department of Ecology. [Ord. 1160, 1998; Ord. H98-326 §13, 1998]

#### **8.40.090 Permits For On-site Sewage System Under 3500 Gal. per Day.**

(1) No person shall install or cause to be installed a new on-site sewage system, nor perform any alterations, extensions or relocations or connections to an existing system without a valid permit issued by the Health Officer. Permits for alterations or repairs shall be so identified. Application for such permit shall be made on forms provided by the Health Officer. The permit or permit application may be transferred upon application by a new owner and verification that the conditions for the granting of the permit remain unchanged. Permits shall be valid for a period of two years from the date of original issue and may be extended for a period not to exceed one year. Fees shall be charged by the Department in the amounts specified for designated services in a fee schedule as updated from time to time, and adopted by the Board of Health. Incomplete applications or applications that have not resulted in permit issuance and are therefore considered inactive by the Department, shall expire one year from the date of application. No fees or partial fees for incomplete or expired permits or applications for permits shall be refunded.

(2) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an on-site sewage system, shall

develop and submit the following to the Health Officer and obtain approval:

- (a) General information including:
  - (i) Name and address of the property owner and the applicant at the head of each page of submission;
  - (ii) Parcel number and address, if available, of the site;
  - (iii) Source of drinking water supply;
  - (iv) Identification if the property is within the boundaries of a recognized sewer utility;
  - (v) Size of the parcel;
  - (vi) Type of permit for which application is being made, for example, new installation, repair, expansion, alteration, or operational;
  - (vii) Source of sewage, for example, residential, restaurant, or other type of business;
  - (viii) Location of utilities;
  - (ix) Name of the site evaluator;
  - (x) Name of the designer;
  - (xi) Date of application; and
  - (xii) Signature of applicant.
- (b) The soil and site evaluation as specified under LCC 8.40.110(2).
- (c) A complete, detailed, and dimensional site plan including:
  - (i) Designated areas for the proposed initial system and the reserve area;
  - (ii) The location of all soil logs and other soil tests for the on-site sewage system;
  - (iii) General topography and/or slope of the site;
  - (iv) Site drainage characteristics;
  - (v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the on-site sewage system is not on the lot where the sewage is generated; and
  - (vi) An arrow indicating north.
- (d) A detailed system design meeting

the requirements of LCC 8.40.120 including:

- (i) A dimensional drawing showing the location of components of the proposed on-site sewage system and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
  - (ii) Vertical cross-section drawings showing:
    - (A) The depth of the disposal component, the original grade, the vertical separation, and depth of soil cover; and
    - (B) Other on-site sewage system components constructed at the site.
  - (iii) Calculations and assumptions supporting the proposed design, including:
    - (A) Soil type;
    - (B) Hydraulic loading rate in the disposal component; and
    - (C) System's maximum daily flow capacity.
  - (e) Such additional information as deemed necessary by the Health Officer.
- (3) The Health Officer shall:
- (a) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this ordinance;
  - (b) Identify the permit as a new installation, repair, expansion, modification, or operational permit;
  - (c) Specify the expiration date on the permit;
  - (d) Include a reminder on the permit application of the applicant's right of appeal; and
  - (e) State the period of validity and the date and conditions of renewal when requiring operational permits to be obtained and retained;
- (4) The Health Officer may revoke or deny a permit for due cause. Revocation or denial shall be provided in writing with an explanation of the reason(s) for such revocation or denial.
- (5) Before the Health Officer issues a

permit for the installation of an on-site sewage system to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the on-site sewage system in perpetuity; or

(b) An arrangement with a management entity acceptable to the Health Officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:

(i) Fee title or a legal easement allowing access for construction, operation and maintenance, and repair of the on-site sewage system; and

(ii) Identification of an adequate financing mechanism to assure the funding

of operation, maintenance, and repair of the on-site sewage system.

(6) The Health Officer shall not delegate the authority to issue permits.

(7) The Health Officer may stipulate additional requirements for a particular permit if necessary for public health protection. [Ord. 1160, 1998; Ord. H98-326 §14, 1998]

#### **8.40.100 Location.**

(1) Persons shall design and install on-site sewage system to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**TABLE I  
MINIMUM HORIZONTAL SEPARATIONS**

| <b>Items requiring setback</b>   | <b>From edge of disposal component and reserve area</b> | <b>From septic tank, holding tank, containment vessel, pump chamber, and distribution box</b> | <b>From building sewer, collection, and non-perforated distribution line<sup>1</sup></b> |
|--|---|---|--|
| Non-public well or suction line  | 100 ft.   | 50 ft.  | 50 ft.   |
| Public drinking water well   | 100 ft.   | 100 ft.   | 100 ft.  |
| Public drinking water spring <sup>3</sup>  | 200 ft.   | 200 ft.   | 100 ft.  |
| Spring or surface water used as drinking water source <sup>2,3</sup>   | 100 ft.   | 50 ft.  | 50 ft.   |
| Pressurized water supply line <sup>4</sup>   | 10 ft.  | 10 ft.  | 10 ft.   |
| Properly decommissioned well <sup>5</sup>  | 10 ft.  | N/A   | N/A  |
| Surface water <sup>3</sup>   | 100 ft.   | 50 ft.  | 10 ft.   |
| Marine water   | 100 ft.   | 50 ft.  | 10 ft.   |
| Fresh water  | 10 ft. <sup>6</sup>                                     | 5 ft. <sup>6</sup>  | 2 ft.  |
| Building foundation  | 5 ft.   | 5 ft.   | N/A  |
| Property or easement line <sup>6</sup>   |   |   |  |
| Interceptor/curtain drains/<br>drainage ditches  |   |   |  |
| Down-gradient <sup>7</sup>   | 30 ft.  | 5 ft.   | N/A  |
| Up-gradient <sup>7</sup>   | 10 ft.  | N/A   | N/A  |
| Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change   | 25 ft.  | N/A   | N/A  |
| Down-gradient cuts or banks with less than 5 ft. of original, undisturbed, soil above a restrictive layer due to a structural or textural change | 50 ft.  | N/A   | N/A  |

(Continued)

- 1 “Building sewer” as defined by the most current edition of the Uniform Plumbing Code . “Non-perforated distribution” includes pressure sewer transport lines.
- 2 If surface water is used as a public drinking water supply, the designer shall locate the on-site sewage system outside of the required sanitary control area.
- 3 Measured from the ordinary high-water mark.
- 4 The Health Officer may approve a sewer transport line within 10 feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the Department of Ecology’s “Criteria For Sewage Works Design,” revised October 1985, or equivalent.
- 5 Before any component can be placed within 100 feet of a well, the designer shall submit a “decommissioned water well report” provided by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to groundwater, but septic tanks, pump chambers, containment vessels or distribution boxes should not be placed directly over the site.
- 6 The Health Officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is up-gradient.
- 7 The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) Where any condition indicates a greater potential for contamination or pollution, the Health Officer or DOH may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The horizontal separation between an on-site sewage system disposal component and an individual water well, spring, or surface water can be reduced to a minimum of 75 feet, by the Health Officer, and be described as a “conforming” system upon signed approval by the Health Officer if the applicant demonstrates:

(a) Adequate protective site specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and or aquatards separating potable water from the on-site sewage system treatment zone, well surface seal extended to a depth great enough to assure well water protection, excessive depth to groundwater, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an on-site sewage system assuring enhanced treatment performance beyond that

accomplished by meeting the vertical separation and effluent distribution requirements described in Table IV, LCC 8.40.120; or

(c) Evidence of protective conditions involving both (3)(a) and (3)(b) of this section.

(4) Persons shall design and/or install disposal components only where:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the on-site sewage system .

(c) Sufficient reserve area for replacement exists to treat and dispose 100% of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

(5) A Health Officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal

separation between the disposal component and the ordinary high water mark required by Table I of LCC 8.40.100, provided that:

(a) The system meets all requirements of LCC 8.40.120;

(b) The system complies with all other requirements of LCC 8.40.100 &-.180;

(c) Horizontal separation between the disposal component and the ordinary high water mark is 50 feet or greater; and

(d) Vertical separation is 3 feet or greater with a conventional gravity drainfield, or 2 feet or greater with a conventional pressure distribution drainfield. [Ord. H98-326A §1, 1999; Ord. 1160, 1998; Ord. H98-326 §5, 1998]

#### **8.40.110 Soil and Site Evaluation.**

(1) The Health Officer or DOH shall permit only engineers, qualified designers and soil scientists to perform soil and site evaluations.

(2) The person evaluating the soil and site shall:

(a) Record:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial disposal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the site;

(iv) The drainage characteristics of the site;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains; and

(vii) The location of existing

encumbrances affecting system placement, such as

(A) Wells and suction lines;

(B) Water sources and supply lines;

(C) Surface water;

(D) Abandoned wells;

(E) Outcrops of bedrock and restrictive layers;

(F) Buildings;

(G) Property lines and lines easement;

(H) Interceptors such as footing drains, curtain drains and drainage ditches;

(I) Cuts, banks, and fills;

(J) Driveways and parking areas;

(K) Existing on-site sewage system; and

(L) Underground utilities.

(b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the "Design Manual: On-site Wastewater Treatment and Disposal Systems", United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict, with this chapter (available upon written request to the DOH);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table II, Soil Textural Classification:

**TABLE II**  
**SOIL TEXTURAL CLASSIFICATION**

|                                      | <b>Soil Textural Classifications</b>   |
|--------------------------------------|--|
| 1A                                   | Very gravelly <sup>1</sup> coarse sands or coarser. All extremely gravelly <sup>2</sup> soils.               |
| 1B                                   | Very gravelly medium sand, very gravelly fine sand, very gravelly very fine sand, very gravelly loamy sands. |
| 2A                                   | Coarse sands (also includes ASTM C-33 sand).   |
| 2B                                   | Medium sands.  |
| 3                                    | Fine sands, loamy coarse sands, loamy medium sands.  |
| 4                                    | Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.                                |
| 5                                    | Silt loams, that are porous and have well developed structure.   |
| 6                                    | Other silt loams, sandy clay loams, clay loams, silty clay loams.  |
| Unsuitable for treatment or disposal | Sandy clay, clay, silty clay, and strongly cemented or firm soils.   |

1 Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.

2 Extremely Gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:

(i) Placing excavated soil no closer than 2 feet of the excavation;

(ii) Providing a ladder, earth ramp or steps for safe egress to a depth of 4 feet, then scoop out a portion from the floor to gain the additional 2 foot depth necessary

to observe the 6 feet of soil face, however the scooped portion is not to be entered;

(iii) Provide a physical warning barrier around the excavation's perimeter; and

(iv) Fill the excavation upon completion of the soil log.

(4) The Health Officer:

(a) Shall render a decision on the height of the water table within 12 months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for on-site sewage system serving a single family residence if adequate soils information has previously been developed. [Ord. 1160, 1998; Ord. H98-326 §16, 98]

#### **8.40.120 Design.**

(1) The Health Officer shall require that

on-site sewage systems be designed only by engineers or qualified designers, except:

(a) Where at the discretion of the Health Officer a resident owner of the single family residence is allowed to design a conventional gravity flow system for that residence; or

(b) The Health Officer performs the soil and site evaluation and develops the design.

(2) The Health Officer and the DOH shall require the following design criteria:

(a) All the sewage from the building served is directed to the on-site sewage system;

(b) Drainage from the surface, footing drains, roof drains, and other non-sewage drains is prevented from entering the on-site sewage system and the area where the on-site sewage system is located;

(c) The on-site sewage system is designed to treat and dispose of the following flows:

(i) For single family residences, 120 gallons per bedroom per day, with a minimum of 240 gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(ii) For other facilities, the design flows noted in "Design Manual: On-site Wastewater Treatment and Disposal Systems", United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the DOH). If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used:

(A) "Design Standards for Large On-site Sewage Systems," 1993, Washington State Department (available upon request to the DOH); or

(B) "Criteria for Sewage Works Design", revised October 1985, Washington State Department of Ecology (available upon written request to the Department of Ecology).

(d) Septic tanks:

(i) Are included on the approved list under subsection (5)(d) of this section;

(ii) Have the following minimum liquid capacities:

(A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

**TABLE III  
REQUIRED MINIMUM LIQUID  
VOLUMES OF SEPTIC TANKS**

| Number of bedrooms      | Required minimum liquid tank volume in gallons |
|-------------------------|--|
| ≤ 3                     | 900  |
| 4                       | 1000   |
| Each additional bedroom | 250  |

(B) For facilities handling residential sewage, other than one single family residence, 1.5 times the daily design flow with a minimum of 1000 gallons;

(iii) Have clean-out and inspection accesses within 12 inches of finished grade; and

(iv) Are designed with protection against floatation and ground water intrusion in high ground water areas and installed in a manner to prohibit ground water intrusion;

(e) Pump chambers:

(i) Are included on the approved list under subsection (5)(d) of this section;

(ii) Have clean-out and inspection accesses at or above finished grade; and

(iii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;

(f) Methods for effluent distribution shall correlate to soil types 1A through soil type 6 as described by TABLE



IV of this section, except where local regulations approved by the DOH under WAC 246-272-02001 are more stringent:

**TABLE IV  
METHODS OF EFFLUENT DISTRIBUTION FOR SOIL TYPES AND DEPTHS**

|           | VERTICAL SEPARATION |   |   |   |
|-----------|---------------------|---|---|---|
| SOIL TYPE | < 1 foot            | > 1 foot to < 2 feet                                  | > 2 feet to < 3 feet                          | > 3 feet                                      |
| 1A        | Not allowed         | Pressure Distribution (see note) <sup>1 &amp; 2</sup> | Pressure Distribution (see note) <sup>1</sup> | Pressure Distribution (see note) <sup>1</sup> |
| 2A        | Not allowed         | Pressure Distribution (see note) <sup>1 &amp; 2</sup> | Pressure Distribution                         | Pressure Distribution                         |
| 1B - 6    | Not allowed         | Pressure Distribution (see note) <sup>1 &amp; 2</sup> | Pressure Distribution                         | Gravity Distribution                          |

<sup>1</sup> System meeting Treatment Standard 2 required.

<sup>2</sup> Mound systems installed where the original, undisturbed, unsaturated soil depth is between 12 and 18 inches, require pretreatment by an intermittent sand filter.

(g) SSAS beds are only designed in soil types 2A, 2B, or 3, with a width not exceeding 10 feet;

(h) Designs for conventional gravity systems in type 1A soil are not permitted due to the inadequate treatment performance capability of coarse grained soils. However, an exception may be permitted by the Health Officer if the site meets all of the following criteria:

(i) System serves a single family residence;

(ii) The lot size is greater than 2.5 acres;

(iii) Annual precipitation in the region is less than 25 inches per year as described by "Washington Climate" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington State libraries);

(iv) The system is located outside all areas of special concern defined by WAC 246-272-21501(1);

(v) The system is located outside the 12 county Puget Sound Water Quality Authority region; and

(vi) The geologic conditions beneath the disposal component must satisfy the minimum unsaturated depth requirements to groundwater identified by interpreting a readable, representative well log. The method for determination is described by "Design Guideline for Conventional Systems In Type 1 Soils", (available upon written request to the Department).

(i) Individual SSAS laterals greater than one hundred feet in length are to use pressure distribution;

(j) On-site sewage system having daily design flows between 1000 and

3,500 gallons of sewage per day:

- (i) Are located only in soil types 1-5;
- (ii) Are located on slopes of less than thirty percent, or 17 degrees; and
- (iii) Have pressure distribution;
- (k) Conventional gravity systems and conventional pressure distribution system have:

(i) The calculation of absorption area based upon the design flows in subsection (2)(c) of this section and loading rates equal to or less than those in Table V, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the trench of the excavation.

**TABLE V  
MAXIMUM HYDRAULIC LOADING RATE  
FOR RESIDENTIAL SEWAGE<sup>1</sup>**

| SOIL TYPE | SOIL TEXTURAL CLASSIFICATION DESCRIPTION  | LOADING RATE gal./sq. ft./day   |
|-----------|---|---|
| 1A        | Very gravelly <sup>2</sup> coarse sands or coarser, extremely gravelly <sup>3</sup> soils.                      | Varies according to system selected to meet Treatment Standard 2 <sup>4</sup> |
| 1B        | Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands. | Varies according to soil type of the non-gravel portion <sup>5</sup>          |
| 2A        | Coarse sands (includes the ASTM C-33 sand).   | 1.2   |
| 2B        | Medium sands.   | 1.0   |
| 3         | Fine sands, loamy coarse sands, loamy medium sands.   | 0.8   |
| 4         | Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.                                   | 0.6   |
| 5         | Silt loams that are porous and have well developed structure.   | 0.45  |
| 6         | Other silt loams, sandy clay loams, clay loams, silty clay loams.   | 0.2   |

- 1 Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for conventional on-site sewage system systems.
- 2 Very Gravelly = >35% and <60% gravel and coarse fragments, by volume.
- 3 Extremely Gravelly = >60% gravel and coarse fragments, by volume.
- 4 Due to the highly permeable nature of type 1A soil, only alternative systems which meet or exceed Treatment Standard 2 can be installed. However, a conventional gravity system may be used if it meets all criteria listed under WAC 11501(2)(h). The loading rate for these systems is provided in the appropriate guideline.
- 5 The maximum loading rate listed for the soil described as the non-gravel portion is to be used for calculating the absorption surface area required. The value is to be determined from this table.

(ii) The bottom of a SSAS shall not be deeper than three feet below the finished grade, except under special conditions approved by the Health Officer. The depth of such system shall not exceed

ten feet from the finished grade;

(iii) The sidewall below the invert of the distribution pipe is located in original, undisturbed soil;

(iv) Clean gravel, covered with a

geotextile; and

(v) A cover of between six and twenty-four inches after settling must be of mineral soil containing no greater than 10% organic content over the gravel to preclude accumulation of water over the drainfield.

(i) For other features, conventional gravity systems shall conform with the "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to DOH) except where modified by, or in conflict with this section or local regulations.

(3) When proposing the use of on-site sewage system for non-residential sewage, the designer shall provide to the Health Officer:

(a) Information to show the sewage is not industrial wastewater;

(b) Information to establish the sewage's strength and identify chemicals found in the sewage that are not found in residential sewage; and

(c) A design providing treatment equal to that required of residential sewage.

(4) The Health Officer:

(a) Shall approve only on-site sewage system designs meeting the requirements of this chapter;

(b) Shall only permit the use of septic tanks, pump chambers, and holding tanks on the approved list under subsection (5)(d) of this section;

(c) Shall not approve designs for:

(i) Cesspools;

(ii) Seepage pits; or

(iii) Conventional gravity systems or conventional pressure distribution systems in soil type 1A, except when an applicant meets all criteria established by WAC 246-272-11501(2)(h).

(d) May approve a design for the reserve area different than the design

approved for the initial onsite sewage system, if both designs meet the requirements of this chapter for new construction.

(5) DOH shall:

(a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks.

(b) Review septic tanks, pump chambers, and holding tanks, approving those satisfying the design and construction standards developed by DOH.

(c) Require an annual report from the manufacturers or distributors of all products on the approved list under subsection (5)(d) of this section which assures that the product still meets the standards defined in this section, before relisting the product.

(d) Maintain a list of approved septic tanks, pump chambers, holding tanks that meet design and construction standards.

(e) Make periodic checks of products approved under this subsection.

(6) Persons desiring to manufacture or distribute septic tanks, pump chambers, holding tanks for use in an on-site sewage system shall:

(a) Certify the product meets standards for subsection (5)(a) of this section and submit the required documentation to DOH for approval when:

(i) The manufacturer or distributor needs initial Departmental review and listing to allow permitting by the Health Officer or DOH;

(ii) The DOH amends the applicable criteria or standards; or

(iii) The manufacturer or distributor alters the product;

(b) Submit an annual report acceptable to DOH to retain Departmental approval; and

(c) Pay required fees to DOH.

(7) Designs submitted to the Department for review shall conform to State or local technical design guidelines or

portions thereof prescribed for use by the Lewis County Health Officer. Local guidelines shall be utilized by the local Health Officer, or designee, in accordance with local policy review and adoption procedures, and local Board of Health approval. The Health Officer, or designee, may modify the requirements of the guidelines if circumstances justify modification and justification shows that the modification would likely not result in a condition that is detrimental to public health or in violation of the intent and purpose of these regulations. Requests for modification by applicants or designers shall be submitted in writing and shall include technical justification. The Health Officer, or designee, may approve or deny the modification request and such approval or denial must be indicated in writing. [Ord. H98-326A §2, 1999; Ord. 1160, 1998; Ord. H98-326 §17, 1998]

#### **8.40.130 Holding Tank Sewage Systems.**

(1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The Health Officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under WAC 246-272-16501(1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by DOH;

(b) Submit a management program to the Health Officer assuring ongoing operation and maintenance before

the local Health Officer issues the installation permit; and

(c) Use a holding tank on the current approved list under WAC 246-272-11501(5)(d). [Ord. 1160, 1998; Ord. H98-326 §18, 1998]

#### **8.40.140 Installation.**

(1) The Health Officer and DOH shall require certified installers to construct on-site sewage system, except as noted under subsection (2) of this section.

(2) The Health Officer shall allow the resident owner of a single family residence to install the on-site sewage system for that single family residence when:

(a) The on-site sewage system is either located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed as an encumbrance.

(3) The installer described by either (1) or (2) of this section shall:

(a) Follow the approved design without alteration or departure from approved plans without written approval of the Health Officer.

(b) Have the approved design in possession during installation;

(c) Only install septic tanks, pump chambers, and holding tanks approved by the Department;

(d) Be on the site at all times during the excavation and construction of the on-site sewage system;

(e) Install the on-site sewage system to be watertight, except for the disposal component;

(f) Cover the installation only after the Health Officer has given approval to cover; and

(g) Back fill and grade the site to prevent surface water from accumulating over any component of the on-site sewage system;. [Ord. H98-326 §19, 1998]

#### **8.40.150 Inspection.**

(1) The Health Officer shall:

(a) Visit the on-site sewage system site during the site evaluation, construction, or final construction inspection;

(b) Either inspect the on-site sewage system before cover or allow the designer of the on-site sewage system to perform the inspection before cover if:

(i) The designer is certified; and

(ii) The designer is not also named as installer of the system; and

(iii) A qualified installer installed the on-site sewage system.

(c) Keep the “as-built” or “record” drawings on file.

(2) The person responsible for the final construction inspection shall:

(a) Assure the on-site sewage system meets the approved design; and

(b) Direct the person responsible for final cover of the system to place a permanent marker at finished grade where needed to identify the location of the septic tank's first manhole.

(3) The designer or installer, as directed by the Health Officer, upon completion of the on-site sewage system shall develop and submit a complete and detailed, “as-built” or “record drawing” to both the Health Officer and the on-site sewage system owner that include:

(a) For new on-site sewage system, measurements to existing site features enabling the first tank manhole to be easily located, and a dimensioned reserve area; and

(b) For repaired or altered on-site sewage system, the new, repaired, or altered components with their relationship to the existing system. [Ord. 1160, 1998; Ord. H98-326 §20, 1998]

#### **8.40.160 Operation and Maintenance.**

(1) The on-site sewage system owner is

responsible for properly operating and maintaining the on-site sewage system, and shall:

(a) Determine the level of solids and scum in the septic tank once every three years;

(b) Employ a certified pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(c) Protect the on-site sewage system area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(d) Keep the flow of sewage to the on-site sewage system at or below the approved design both in quantity and waste strength;

(e) Operate and maintain alternative systems as directed by the Health Officer; and

(f) Direct drains, such as footing or roof drains away from the area where the on-site sewage system is located.

(2) The Health Officer shall:

(a) Provide operation and maintenance information to the on-site sewage system owner upon approval of any installation, repair, or alteration of an on-site sewage system.

(b) Develop and implement plans to:

(i) Monitor all on-site sewage system performance within areas of special concern;

(ii) Disseminate relevant operation and maintenance information to on-site sewage system owners through effective means routinely and upon request; and

(iii) Assist in distributing educational materials to on-site sewage system owners.

(3) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into an on-site sewage system that is detrimental to the on-site sewage system.

(b) Use a sewage system additive unless it is specifically approved by DOH; or

(c) Use an on-site sewage system to dispose of waste components atypical of residential wastewater.

(4) The Health Officer shall require annual inspections of on-site sewage system serving food service establishments and may require pumping as needed.

(5) The Health Officer may require the owner of the on-site sewage system to:

(a) Use one or more of the following management methods or another method consistent with the following management methods for proper operation and maintenance:

(i) Obtain and comply with the conditions of a renewable or operational permit;

(ii) Employ a public entity eligible under Washington State statutes to, directly or indirectly, manage the on-site sewage system; or

(iii) Employ a private management entity, guaranteed by a public entity eligible under Washington State statutes or sufficient financial resources, to manage the on-site sewage system;

(b) Evaluate any effects the on-site sewage system may have on ground water or surface water; and/or

(c) Dedicate easements for inspections, maintenance, and potential future expansion of the on-site sewage system.

(6) Persons may obtain a handbook with material outlining management methods to achieve proper operation, maintenance, and monitoring of on-site sewage system from DOH.

(7) The Health Officer may require

installation of observation ports in each individual lateral or bed which extend from the bottom of the gravel to the finished grade for monitoring on-site sewage system performance. [Ord. 1160, 1998; Ord. H98-326 §21, 1998]

#### **8.40.170 Repair of Failures.**

(1) When an on-site sewage system failure occurs, the on-site sewage system owner shall:

(a) Repair or replace the on-site sewage system with a conforming system or a Table VI repair either on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned large on-site sewage system(LOSS); or

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in subsections (1)(a) or (1)(b) of this section are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington State Department of Ecology issued to a public entity or jointly to a public entity and the system owner only when the Health Officer determines:

(A) An on-site sewage system is not feasible; and

(B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to replacing or repairing the effluent disposal component, the on-site sewage system owner shall develop and submit information required under LCC 8.40.090.

(3) The Health Officer shall permit a Table VI repair only when:

(a) Installation of a conforming system is not possible; and

(b) Connection to either an approved LOSS or a public sewer is not feasible.

(4) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table VI if the effluent treatment and disposal component to be repaired or replaced is closer to any surface water, well, or spring that is not used as a public water source as prescribed by the minimum separation required in Table 1 of LCC 8.40.100(1);

**TABLE VI  
REQUIREMENTS FOR REPAIR OR REPLACEMENT OF DISPOSAL  
COMPONENTS NOT MEETING VERTICAL AND HORIZONTAL  
SEPARATIONS<sup>1,2</sup>**

| Vertical Separation in feet | Horizontal Separation in Feet <sup>3</sup> |                                   |                                   |
|-----------------------------|--|-----------------------------------|-----------------------------------|
|                             | < 25                                       | 25-50                             | > 50-100                          |
| <1                          | Treatment Standard 1                       | Treatment Standard 1              | Treatment Standard 2 <sup>4</sup> |
| 1-2                         | Treatment Standard 1                       | Treatment Standard 2 <sup>4</sup> | Pressure Distribution             |
| >2                          | Treatment Standard 2 <sup>4</sup>          | Pressure Distribution             | Pressure Distribution             |

1 The treatment standards refer to effluent quality before discharge to unsaturated, subsurface soil.

2 The Health Officer may permit ASTM C-33 sand to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

3 The horizontal separation indicated is the distance between the disposal component and the surface water, well, or spring. If the disposal component is up-gradient of a surface water, well, or spring to be used as a potable water source, the next higher standard level of treatment shall apply unless treatment standard 1 is already being met.

4 Mound systems are not allowed to meet treatment standard 2.

(b) Protect drinking water sources;

(c) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(d) Meet the horizontal separations under LCC 8.40.100 to public drinking water sources;

(e) Meet other requirements of this chapter to the maximum extent permitted by the site;

(f) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water;

(5) The Health Officer shall identify Table VI repair permits for the purpose of tracking future performance.

(6) An on-site sewage system owner receiving a Table VI repair permit from the Health Officer shall:

(a) Immediately report any failure to

the Health Officer;

(b) Monitor the performance of the on-site sewage system according to the applicable Technical Review Committee Guidelines.

(c) Comply with all local and state requirements stipulated on the permit. [Ord. 1160, 1998; Ord. H98-326 §22, 1998]

#### **8.40.180 Expansions.**

The Health Officer shall require an on-site sewage system and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility. [Ord. 1160, 1998; Ord. H98-326 §23, 1998]

#### **8.40.190 Abandonment.**

Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

- (1) Have the septic removed by a certified pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil. [Ord. 1160, 1998; Ord. H98-326 §24, 1998]

#### **8.40.200 Septage Management.**

(1) An individual shall be certified by the Health Officer as a septic tank pumper removing septage from an on-site sewage system. (Reference LCC 8.40.230 of these regulations.)

(2) Persons removing septage from an on-site sewage system shall:

- (a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the Health Officer;
- (b) Record and report septage removal to the Health Officer.
- (c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.
- (d) The contents of a septic tank or other treatment device shall be disposed

of only in areas and in the manner approved by the Health Officer. Sewage shall only be discharged into municipal sewage treatment plants or other disposal sites approved by the Health Officer. All sites, other than municipal sewage treatment plants, shall comply with State and local rules and regulations pertaining to sewage disposal and solid waste disposal. Permits shall be issued pursuant to the Lewis County regulations governing such waste disposal facilities.

(e) The septic tank pumper shall submit monthly reports of services to the Department on forms provided by the Department. The reports shall include: (1) the names and addresses of the owners of the septic tanks, cesspools, or sewage pits serviced; (2) the tank, cesspool, or pit volume services; (3) the date; and (4) the dump site location for each services. The report shall be submitted to the Department not later than thirty (30) days after the end of the reporting month.

(f) The contents of a septic tank, cesspool, sewage pit, or other treatment device shall be disposed of only in areas and in a manner approved by the Health Officer.

(g) Portable vault toilets may be utilized for recreational events. The following table shall be utilized as a guideline for determining the number of units required.

**TABLE VIII**

| No. of People | Number of Hours for Event |    |    |    |    |    |    |    |    |    |
|---------------|---------------------------|----|----|----|----|----|----|----|----|----|
|               | 1                         | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 0-500         | 4                         | 4  | 4  | 6  | 6  | 6  | 8  | 8  | 8  | 8  |
| 1,000         | 4                         | 6  | 6  | 6  | 6  | 8  | 8  | 8  | 8  | 12 |
| 2,000         | 8                         | 8  | 8  | 8  | 8  | 12 | 12 | 12 | 12 | 16 |
| 3,000         | 8                         | 8  | 10 | 10 | 10 | 12 | 16 | 16 | 20 | 20 |
| 4,000         | 8                         | 8  | 12 | 12 | 16 | 16 | 20 | 24 | 24 | 28 |
| 5,000         | 12                        | 12 | 12 | 16 | 20 | 30 | 30 | 30 | 30 | 34 |
| 6,000         | 12                        | 12 | 16 | 16 | 20 | 30 | 30 | 36 | 36 | 40 |
| 7,000         | 12                        | 12 | 16 | 20 | 30 | 32 | 40 | 40 | 52 | 52 |
| 8,000         | 12                        | 12 | 20 | 24 | 32 | 32 | 40 | 44 | 48 | 54 |
| 9,000         | 16                        | 16 | 24 | 28 | 40 | 40 | 52 | 52 | 60 | 64 |
| 10,000        | 16                        | 16 | 28 | 40 | 40 | 52 | 52 | 60 | 60 | 72 |



(h) New recreational vehicle parks shall provide sanitary dump stations, approved under permit by the Health Officer, unless it can be demonstrated that an approved sanitary dump station exists within a reasonable distance from the proposed park. [Ord. 1160, 1998; Ord. H98-326 §24, 1998]

**8.40.210 Developments, Subdivisions, and Minimum Land Area Requirements.**

(1) A person proposing the development shall obtain approval from the Health Officer prior to any development where the use of on-site sewage system is proposed.

(2) The Health Officer shall require the following prior to approving any development:

(a) Site evaluations as required under LCC 8.40.110, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to

allow a 100-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a 100-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least two soil logs per proposed lot, unless the Health Officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

(i) METHOD I. Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage:

**TABLE VII**

**MINIMUM LAND AREA REQUIREMENT  
SINGLE FAMILY RESIDENCE OR UNIT VOLUME OF SEWAGE**

| Type of Water Supply       | Soil Type (defined by section 8.40.110 of this chapter) |                   |                   |                   |                   |                   |
|----------------------------|---|-------------------|-------------------|-------------------|-------------------|-------------------|
|                            | 1A, 1B  | 2A, 2B            | 3                 | 4                 | 5                 | 6                 |
| Public                     | 0.5 acre <sup>1</sup><br>2.5 acre <sup>2</sup>          | 12,500<br>sq. ft. | 15,000<br>sq. ft. | 18,000<br>sq. ft. | 20,000<br>sq. ft. | 22,000<br>sq. ft. |
| Individual,<br>on each lot | 1 acre <sup>1</sup><br>2.5 acre <sup>2</sup>            | 1 acre            | 1 acre            | 1 acre            | 2 acres           | 2 acres           |

1 Due to the highly permeable nature of type 1 A&B soil, only alternative systems which meet or exceed Treatment Standard 2 can be installed.

2 A conventional gravity system in type 1 soil is only allowed if it is in compliance with all conditions listed under WAC 246-272-11501 (2)(h). One of these limiting conditions is a 2.5 acre minimum lot size.

(ii) METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

(A) Justifies the proposal through a written analysis of the:

- (I) Soil type and depth;
- (II) Area drainage, and/or lot drainage;
- (III) Public health impact on ground and surface water quality;

(IV) Setbacks from property lines, water supplies, etc;

(V) Source of domestic water;

(VI) Topography, geology, and ground cover;

(VII) Climatic conditions;

(VIII) Availability of public sewers;

(IX) Activity or land use, present & anticipated;

(X) Growth patterns;

(XI) Reserve areas for additional subsurface treatment & disposal;

(XII) Anticipated sewage volume;

(XIII) Compliance with current planning and zoning requirements;

(XIV) Possible use of alternative systems or designs;

(XV) Existing encumbrances, such as listed in LCC 8.40.090(1)(c)(v) & 8.40.120(2)(a)(vii); and

(XVI) Any other information

(XVII) required by the Health Officer.

(B) Shows development with public water supplies having:

(I) At least 12,500 sq. ft. lot sizes per single family residence;

(II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and

(C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(D) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the Health Officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming on-site sewage system;

(ii) Assure preservation of reserve areas for proposed and existing on-site sewage system;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The Health Officer shall require lot areas of 12,500 square feet or larger except when a person proposes:

(a) On-site sewage system within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the on-site sewage system, or a single individual owning the on-site sewage system;

(iii) Management requirements under WAC 246-272-08001 when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The Health Officer may:

(a) Allow inclusion of the area to the centerline of a road or street right-of-way in a Method II determination under subsection (2)(d)(ii) of this section to be included in the minimum land area calculation if:

(i) The dedicated road or street right-of-ways are along the perimeter of the development;

(ii) The road or street right-of-ways are dedicated as part of the proposed

development; and

(iii) Lots are at least 12,500 square feet in size.

(b) Require detailed plot plans and on-site sewage system designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed on-site sewage system design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an on-site sewage system, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area of special concern where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area. [Ord. 1160, 1998; Ord. H98-326 §26, 1998]

#### **8.40.220 Areas of Special Concern.**

(1) The Health Officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

(a) Shellfish protection districts or shellfish growing areas;

(b) Sole Source Aquifers designated by the U.S. Environmental Protection Agency;

(c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington Growth Management Act, chapter 36.70A.170 RCW;

(d) Designated public water

supply wellhead protection areas.

(e) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(f) Areas designated by the Department of Ecology as special protection areas under chapter 173-200-090 WAC, Water Quality Standards for Ground Waters of the State of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas delineated by the Federal Emergency Management Agency; and;

(i) Areas identified and delineated by the Board of Health in consultation with the Department to address public health threat from on-site systems.

(j) From time to time, the Department, after study, may recommend that the Board declare a specific area of the County to be unsuitable for sewage systems. In such event, the Board shall hold a hearing upon the recommendation, such hearing to be advertised in the official newspaper, and in a newspaper of circulation within the affected area. Such advertisement shall include a common description of the area affected by the recommendation. Should the Board adopt the recommendation of the Department, thereafter no sewage permit applications shall be processed by the Department until such time as this moratorium is lifted.

(2) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

(a) Additional location, design, and/or performance standards for on-site sewage system;

(b) Larger land areas for new

development;

- (c) Prohibition of development;
- (d) Additional operation, maintenance, and monitoring of on-site sewage system performance;
- (e) Requirements to upgrade existing on-site sewage system;
- (f) Requirements to abandon existing on-site sewage system; and
- (g) Monitoring of ground water or surface water quality.

(3) Within areas of special concern, to reduce risk of system failures, a person approved or designated by the Health Officer shall:

- (a) Inspect every on-site sewage system at least once every three years;
- (b) Submit the following written information to both the Health Officer and the property owner within 30 days following the inspection:
  - (i) Location of the tank;
  - (ii) Structural condition of the tank, including baffles;
  - (iii) Depth of solids in tank;
  - (iv) Problems detected with any part of the system;
  - (v) Maintenance needed;
  - (vi) Maintenance provided at time of inspection; and
  - (vii) Other information as required by the Health Officer.
- (c) Immediately report failures to the Health Officer. [Ord. 1160, 1998; Ord. H98-326 §27, 1998]

#### **8.40.230 Certification of Installers and Pumpers.**

(1) Performance of Construction and Repair. The construction, installation, alteration and/or repair of sewage systems shall only be performed by:

- (a) Private persons constructing or altering systems on real property in which they have the primary ownership or leasehold interest; or persons holding a valid sewage system installer's certificate

pursuant to section (2) herein. Persons installing, altering and/or repairing sewage systems on real property which is intended for sale shall possess a valid sewage system installer's certificate pursuant to section (2) herein. The property owner or resident may not contract or hire a person or concern to perform that work, unless that person is a certified installer as set forth in section (2).

#### **(2) Certification of Installers.**

(a) Any person performing work on a sewage system, whether installation or construction or repair, other than persons defined in section (1) or (2) herein, shall have first obtained an installer's certificate from the Department before engaging in such construction, installation, and/or repair. Application for such certificate shall be made to the Department on forms provided by the Department. Such application may be denied by the Department if the applicant is found to be unqualified, after examination as hereinafter provided, to install, construct, and/or repair sewage systems in conformance with these regulations.

(b) State Registration and Bond: Prior to the issuance of a certificate, the applicant shall submit evidence in writing that he possesses a current State registration certificate and bond, in accordance with R.C.W. 18.27.

(c) Examination: Prior to the issuance of a certificate, the Department shall require written examination of the applicant's knowledge of sanitary system principles and the rules, regulations, laws, and ordinances affecting the public health and safety with respect to sewage systems.

(i) If an individual does not pass the exam, he/she may retake the exam after two weeks have passed since the last exam was taken, and after payment of the retesting fee as set forth in the Schedule of Fees of the Board.

(ii) The Department may periodically update the written exam to incorporate new technology, regulations,

and standards. The Department may require all installers to take the revised exam at the time of certification or re-certification.

(d) Registration Fee and Continuing Education: Fees for registration certificates shall be charged by the Department in the amounts specified in the Schedule of Fees of the Board as updated from time to time, and adopted by the Board. The registration fee is non-refundable.

(i) At the end of each calendar year, all certificates become null and void. Certificates may be renewed, but such renewal must be received prior to January 15th for the upcoming year for which renewal is sought. A person shall have until March 1st of the year for which renewal is sought to renew his/her certificate with the payment of an additional late fee. After this date, he/she shall be required to apply for and take the written examination for certification.

(ii) In conjunction with any renewal, a person shall be required to report their compliance with continuing education requirements for the previous year, as set forth in policies adopted by the board, and may be required to take a revised exam under subsection (2)(c) of this section. Failure to report or noncompliance with the continuing education requirements for the previous year at the time of the renewal request (and under no circumstances later than the March 1st deadline for renewal) shall bar issuance of certificate renewal. A person will thereafter be required to apply for and take the written examination, and upon certification shall be required to make up any delinquent continuing education requirements for the non-compliance year, as well as complying with all current year requirements to qualify for any further certifications.

(e) Discipline, Revocation or Suspension of Involving a Sewage System Installer's Certificate: A sewage system

installer may be subject to discipline, including but not limited to reprimand or probation, and/or the installer's certificate revoked or suspended in accordance with the provisions of LCC 8.40.231, below, upon a finding of a failure to comply with the rules, regulations and policies of OSS installation, or upon a finding of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance. In the event of revocation or suspension, no monetary rebate shall be forthcoming for any unexpired portion of the certificate period. If, after revocation of the certificate, the person desires to reapply for a certificate, the person must wait six (6) months prior to reapplication. In the event of suspension or revocation, that person shall not proceed with any further functions of an installer.

(f) Revocation of Certificate: For serious or repeated violations of any of the requirements of these regulations or any other applicable regulation, the installer's certificate may be permanently revoked by the Health Officer with the concurrence of the Board of Health after an opportunity for a hearing has been provided by the Health Officer. Prior to such action, the Health Officer shall notify the installer in writing, stating the reasons for which the certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for hearing is filed with the Health Officer by the holder of the certificate within such ten (10) day period. A certificate may be suspended for cause pending its revocation or a hearing relative thereto. If, after revocation of the certificate, the person desires to reapply for a certificate, the person must wait six (6) months prior to reapplication. No rebate shall be forthcoming for the unexpired portion of the certificate period. In the event of revocation, that person shall not proceed

with any further functions of an installer.

(3) Disposal of Septic Tank Waste.

(a) The pumping, cleaning, and discharging of septic tanks, cesspools, and sewage pits shall only be performed by persons holding a valid septic tank pumper's registration certificate issued by the Health Officer.

(b) Application for a septic tank pumper's registration certificate shall be made to the Department on forms provided by the Department. Such registration may be denied by the Department if the applicant is found to be unqualified due to: (1) defective or inadequate equipment as may be determined by the Health Officer; or (2) a demonstration of negligence or violation of these regulations, or lack of requisite skill or knowledge.

(c) Fees for registration certificates shall be charged by the Department in the amounts specified in the fee schedule as updated from time to time, and adopted by the Board. The registration fee is non-refundable, at the end of each calendar year all certificates become null and void. Certificates may be renewed, but such renewal must be applied for prior to January 15 of the year for which renewal is sought.

(d) Discipline, Suspension and Revocation Involving Septic Tank Pumper's Registration Certificate.

(i) A septic tank pumper may be subject to discipline, including but not limited to reprimand or probation, and/or the pumper's certificate may be revoked or suspended in accordance with the provisions of LCC 8.40.231, below, upon a finding of a failure to comply with the rules, regulations and policies of OSS pumping, or upon a finding of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance. In the event of revocation or suspension, no monetary rebate shall be forthcoming for any unexpired portion of the certificate period. If, after revocation of a septic tank pumper's

registration certificate the applicant desires to reapply for a registration certificate, the applicant must wait six (6) months prior to reapplication. If the pumper's registration certificate is suspended or revoked, the septic tank pumper shall not proceed with any further functions of a septic tank pumper in the Lewis County Health Department.

(f) Prior to the issuance of a septic tank pumper's registration certificate, the applicant must provide the Department with assurance of liability coverage for any and all damage incurred by any citizen, due to any wrongful act of such septic tank pumper. The insurance policy shall be executed by an insurance company authorized to do business in the State of Washington. The insurance must be kept in effect during the period of time for which the registration certificate is issued and cancellation or termination of the insurance policy shall automatically and without notice suspend the registration certificate. [Ord. H11/18/02.2 §2, §7, 2002; Ord. 1160, 1998; Ord. H98-326 §28, 1998]

**8.40.231 Discipline, Revocation and Suspension Involving Installers and Pumpers.**

(1) Installers and pumpers may be subject to discipline, including but not limited to reprimand or probation, and/or revocation and suspension of their certificate. For purposes of taking these actions, the Health Officer may take the following measures:

(a) Convene an informal administrative conference and require the attendance of an installer or a pumper to explore facts and resolve issues associated with allegations of failure to comply with the rules, regulations, guidelines and policies of OSS pumping or installation, as applicable, or upon allegations of incompetence, negligence, misrepresentation, or intentional and/or willful

malfeasance.

(b) Initiate administrative proceedings to discipline, or to suspend or revoke the certifications of an installer or a pumper.

(c) Recommend a course of discipline, or a suspension or a revocation to the Lewis County Hearings Examiner.

(2) Administrative proceedings on discipline, suspension and revocation shall be presided over by the Lewis County Hearings Examiner, as follows:

(a) Pre-Hearing Procedures. All hearings shall be convened in accordance with the regulations of the Office of the Hearings Examiner pursuant to Ch. 2.25 LCC and the current Hearings Examiner policies and procedures, except that in the event of conflict between the provisions of this section, and the provisions of LCC 8.40.290 and Ch. 2.25 LCC, these following provisions shall apply:

(i) Hearings proceedings shall be commenced upon notification to the Hearings Examiner's Office of the decision of the Health Officer to initiate disciplinary, revocation or suspension actions under subsection (1)(b), above.

(ii) Notification of Hearing. Notice of the administrative hearing shall be (I) given by personal service or certified mail (return receipt requested) to the last known address by the Health Officer to the person(s) who is the subject of the request for disciplinary, revocation or suspension action, and (II) sent by first class mail to any other interested or participating party; and shall:

(A) be in writing;

(B) include a brief and concise description of the cause/reason for the administrative hearing;

(C) state the date, time and location of the administrative hearing; and

(D) advise the recipient both of the nature and consequences of the requested action, and to whom and where to

submit requests for information about the hearing and for copies of any written materials which form a basis for the cause/reason for the hearing;

(b) Hearing Procedures. The administrative hearing shall be presided over by the Hearings Examiner or deputy, as follows:

(i) The hearing shall be recorded;

(ii) The hearing shall be opened by the Examiner identifying him/herself, followed by a recitation of the location, date, and time of the hearing, identification of the parties and legal representation, the existence of the recording, and a summary of the nature of the hearing.

(iii) The person to whom notice of the hearing was given and the Health Officer may offer such evidence as they deem necessary to obtain an understanding and determination of the facts of the allegation(s). For purposes of determining the scope and nature of evidence necessary to obtain an understanding and determination of the facts of the allegation(s), the Health Officer shall be afforded due deference;

(iv) The Examiner shall conduct the hearing in an orderly manner and rule on all procedural matters in light of the administrative hearings procedural rules set forth in WAC 461-08-495;

(v) The Examiner shall determine the nature, admissibility, relevancy, and materiality of the evidence offered in light of the procedures and evidentiary criteria set forth in WAC 461-08-515 through -535.

(vi) Prior to closing the hearing, the Examiner shall inquire of all parties whether they have further evidence or argument to offer; the Examiner may continue the hearing to a later date and/or time to allow further evidence or argument to be presented.

(c) Post-Hearing Procedures. Within (10) calendar days of the conclusion of the

hearing, unless a longer or shorter period is determined to be necessary by the Examiner or by the Health Officer, the Examiner shall render a written decision, which shall include findings of fact and conclusions based on the record, and notification of a right of appeal, as follows:

(i) The Examiner shall determine from the evidence presented at the hearing whether or not the allegations of failure to comply with the rules, regulations, guidelines and policies of OSS pumping or installation, as applicable, or upon allegations of incompetence, negligence, misrepresentation, or intentional and/or willful malfeasance which formed the basis for the Health Officer's recommendation to discipline, or to suspend or revoke the certifications of an installer or a pumper, as applicable, has occurred and/or been substantiated.

(ii) If the Examiner determines that the allegations forming the basis for the recommended discipline, suspension or revocation has occurred and/or been substantiated, the Examiner may initiate a course of action which may include discipline, including but not limited to reprimand or probation, and/or suspension or revocation. For purposes of the scope and nature of said course of action, the recommendations of Health Officer shall be afforded due deference.

(iii) The findings and conclusions of the Examiner, and the course of action to be taken in light of those findings and conclusions, shall be served on the parties of record to the hearing in the manner set forth in subsection (2)(a)(ii), above.

(iv) Final decisions and actions of the Examiner must be appealed to the Board of Health, as set forth below.

(3) Board of Health Appeal. Any person who has initiated or exercised his/her right to an administrative hearing under this section, and who is aggrieved by the

decision or action of the Examiner, shall have the right to appeal a final decision or action of the Examiner by requesting a closed-record hearing before the Board of Health.

(a) Petition for review. Any appeal shall be in writing and delivered to the Board of Health within ten (10) calendar days of service of the decision or action of the Examiner. Such appeal shall operate to stay said decision or action of the Examiner, except upon findings by the Examiner, as follows:

(i) the existence of an actual or imminent health hazard. [For purposes of this section, "actual or imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to public health and safety.];

(ii) a failure to comply with the terms and conditions for continued installer or pumper certification as specified in a course of action issued to said party in a prior disciplinary, suspension or revocation matter within the previous five (5) years.

(b) Upon receipt of a perfected appeal, including payment of a fee as specified in the Lewis County Schedule of Fees (on file with the Lewis County Board of County Commissioners), the Health Officer shall set a time and place for the appeals hearing before the Board of Health, and shall give the appellant and parties of record to the Examiner Hearing written notice thereof. The hearing shall be commenced within twenty-two (22) calendar days of a perfected appeal, unless: (I) the parties agree to extend this deadline; or (II) the Board, on its own motion, extends this deadline for not more than thirty (30) days after determining that good cause exists for such extension.

(c) Except as above-and-below-noted, the administrative procedures and rules of LCC 2.25.130, regarding petitioning for and conducting a closed-record appeal before the Hearings Examiner, shall apply,



as nearly as possible, to appeals before the Board of Health.

(d) The decision or action of the Examiner shall be upheld unless the party appealing said decision or action establishes that:

(i) the Examiner engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(ii) the decision or action of the Examiner was based upon an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with authority or expertise as to the rules, regulations, guidelines and policies of OSS installation and pumping;

(iii) the decision or action was not supported by evidence that was substantial when viewed in light of the whole record before the Board;

(iv) the decision or action was a clearly erroneous application of the law to the facts;

(v) the decision or action was outside the authority or jurisdiction of the Examiner or Health Officer making the decision;

(vi) the decision or action violates the constitutional rights of the party seeking relief; or

(vii) the decision or action was clearly arbitrary or capricious.

(4) Judicial Appeal. An appeal of the final decision of the Board of Health must be appealed to the Lewis County Superior Court.

(a) The appeal must be filed with the said Superior Court within twenty (20) calendar days from the date the Board of Health's written decision was deposited into first class U.S. mail, properly stamped and addressed to the appellant, or any appeal is thereafter barred. Such appeal shall operate to stay said decision of the Board, except upon findings of the Board, as follows:

(i) the existence of an actual or imminent health hazard. [For purposes of this section, "actual or imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to public health and safety.];

(ii) a failure to comply with the terms and conditions for continued installer or pumper certification as specified in a course of action issued to said party in a prior disciplinary, suspension or revocation matter within the previous five (5) years. [Ord. H11/18/02.2 §3, 2002]

#### **8.40.240 Waiver of State Regulations.**

(1) For individual, site-by-site waiver requests, if concurrence is granted by the DOH, the Health Officer may grant a waiver from specific requirements in this chapter for on-site sewage systems under 3500 gallons per day only after the following procedure has been completed:

(a) The applicant submits a waiver application to the Health Officer, including justification describing how the requested waiver is consistent with purpose and objectives to meet the public health intent of this chapter;

(b) If the Health Officer determines that the waiver is consistent with the standards in and the intent of this chapter;

(c) On a quarterly basis, the Health Officer will forward to the DOH any approved or denied waivers for their records.

(2) The DOH may grant a waiver from specific requirements in this chapter for a Large on-site sewage system (LOSS) if a person submits a completed Departmental waiver application and required fee to the DOH, including justifications showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(3) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) for on-site sewage systems under 3500 gallons per day, or subsection (2) above for a LOSS shall be followed again. [Ord. 1160, 1998; Ord. H98-326 §29, 1998]

#### **8.40.250 Enforcement.**

(1) The Health Officer:

(a) Shall enforce the rules of chapter 246-272 WAC and this ordinance; or

(b) May refer cases within their jurisdiction to the prosecutor's office or office of the attorney general, as appropriate.

(2) All enforcement action under this title shall be commenced pursuant to the duly enacted Complaint Handling Policies and Procedures of the enforcing department. All investigations and enforcement procedures will be done in conformance with the current Lewis County Resolution establishing county policy regarding employees entering onto private property.

(3) When a person violates the provisions under this chapter, the Health Officer, or prosecutor's office may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law (except as to disciplinary, suspension or revocation actions regarding installer and pumper certifications, which proceedings are initiated pursuant to LCC 8.40.231, above), including but not limited to any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the Department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the on-site sewage system and/or person causing or responsible for the violation of these rules or of chapter 246-272 WAC;

(c) Denial, suspension,

modification, or revocation of permits, approvals, or certification; and

(d) Civil or criminal action.

(4) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272 WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any on-site sewage system or portion of the on-site sewage system or improvements to the on-site sewage system until all permits, certifications, and approvals required by rule or statute are obtained.

(5) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272 WAC, or applicable code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification; and/or

(ii) Referral to the office of the county prosecutor or attorney general.

(iii) Other appropriate remedies.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(h) Comply with chapter 43.70 RCW and chapter 34.05 RCW if issued by the Department.

(6) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(7) The Board of Health shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272 WAC, or any other statutory provision or rule regulating the operation of an on-site sewage system; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(8) For the purposes of subsection (6) of this section and LCC 8.40.210, a person is defined to include:

(a) Applicant;

(b) Re-applicant;

(c) Permit holder; or

(d) Any individual associated with subsection 7 (a), (b) or (c) or this section including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

(vi) Agents; and in addition

(vii) Third persons acting with the knowledge of such persons.

[Ord. H11/18/02.2 §4, 2002; Ord. 1160, 1998; Ord. H98-326 §30, 1998]

#### **8.40.260 Hearing and Appeal.**

Notice of Decision—Adjudicative Proceedings. Except as otherwise provided herein, the Lewis County board of health Hearing Examiner Ordinance process contained in Ch. 2.25 LCC shall be utilized to address procedural and technical conflicts arising from the administration of local regulations. [Ord. H11/18/02.2 §5, 2002; Ord. 1160, 1998; Ord. H98-326 §31, 1998]

#### **8.40.270 Violations and Penalties.**

(1) Upon land where any applicable law requires toilet facilities to be provided, it shall be unlawful for any person to cause, suffer, or permit the disposal of sewage, human excrement, or other liquid wastes, in any place or manner, except through and by means of an approved sewage system authorized by these rules and regulations.

(2) The Health Officer may condemn, according to law, any residence or other establishment which is accumulating or disposing of sewage in a manner contrary to the requirements of these rules and regulation.

(3) Any person violating any of the provisions of chapters 70.05 and 70.46 RCW or violating or refusing or neglecting to obey any of these rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local Board of Health or local Health Officer or administrative officer, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment. (reference RCW 70.05.120)

(4) Violations as a public nuisance.

(a) Any work done or action taken or product thereof which is contrary to this ordinance is hereby declared to be unlawful and a public nuisance;

(b) The Health Officer shall take steps to abate public nuisances as defined herein. The prosecuting attorney may commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(6) Cumulative civil penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any

person, firm, or corporation which violates the provision of this ordinance, or violates the provisions of the Washington Administrative Code adopted by reference by this ordinance, shall incur a cumulative civil penalty in the amount of twenty dollars (\$20.00) per day from the date set for correction pursuant to section (4) (a) (iv) of this section until the violation is corrected.

(7) Notice of Violation - Assessment of penalty. Whenever Health Officer determines that a continuing violation of this ordinance is occurring, the Health Officer is authorized to issue a notice of violation directed to the person(s) committing or causing such violation.

(a) The notice of violation shall contain:

(i) The name and address of the persons to whom the notice of violation is directed;

(ii) The street address when available or a legal description sufficient for identification of the building, structure, premises or land upon or within which the violation is occurring;

(iii) A concise description of the nature of the violation;

(iv) A statement of the action required to be taken as determined by the Health Officer and a date for correction which shall be not less than twenty one (21) days from the date of service of the notice of violation unless the Health Officer has determined the violation to be immediately hazardous;

(v) A statement that a cumulative civil penalty in the amount of twenty dollars (\$20.00) per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and

(vi) A statement that the Health Officer notification of violation may be appealed to the Hearing Examiner by filing with the Health Officer a written notice of

appeal along with a one hundred dollar (\$100.00) filing fee within twenty days of service of the notice of violation and that the daily civil penalty shall not accrue during the pendency of such administrative appeal.

(b) The notice of violation shall be served upon the person(s) to whom it is directed either personally in the manner provided for personal service of notices of complaint in justice court or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested to such person at his last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person affecting service, declaring time, date and the manner by which service was made.

(c) An administrative appeal of a notice of violation may be taken by the filing of a notice of appeal with the Health Officer within twenty (20) days of service of the notice of violation. Such appeals shall be heard by the Hearing Examiner.

(d) For good cause shown the Health Officer may extend the date set for correction in the notice of violation; provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

(8) Collection of civil penalty. The prosecuting attorney or the Health Officer on behalf of the county is authorized to collect the civil penalty assessed pursuant to subsection (4) of this section, by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

(9) Compromise, settlement and disposition of suit. The Health Officer and the prosecuting attorney are hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement,

compromise or otherwise dispose of a lawsuit when to do so will be in the best interest of the county. [Ord. 1160, 1998; Ord. H98-326 §32, 1998]

**8.40.280 (Reserved.)**

[Ord. 1160, 1998; Ord. H98-326 §33, 1998]

**8.40.290 Fee Schedules.**

The Department may assess reasonable fees for all permits or other services or actions provided for in this Chapter. The fees shall be charged by the Department in the amounts specified in the Lewis County Schedule of Fees as adopted and undated from time to time by Resolution of the Lewis County Board of County Commissioners, EXCEPT that the Department may charge pro rata fees for those inspections and reviews completed by the Department prior to a written refund request. The fee schedule shall be on file with the Board. [Ord. H 01/13/03 §1, 2003; Ord. 1160, 1998; Ord. H98-326 §34, 1998]

**8.40.300 Effective Date.**

The effective date of this chapter shall be ninety (90) days from the date of submission for review of the adoptive ordinance to the state Department of Health, or on the date of written approval of such ordinance by the Department, whichever shall be the earlier effective date pursuant to WAC 246-272-02001. (The amending of this Ordinance shall not repeal, rescind, or release any rulings, orders, claims, judgments, penalties, assessments, fines, and liens, or agreements, settlements or commitments created or imposed upon any person(s) as of the time of the effective date of this Ordinance, and the same shall continue to have their full force and effect at law.) [Ord. H11/18.02.2 §6, 2002; Ord. 1160, 1998; Ord. H98-326 §37, 1998]

**Chapter 8.41**

**RESTRICTION OF ON-SITE  
SEWAGE SYSTEMS IN  
FORD'S PRAIRIE & WAUNCH'S  
PRAIRIE AREAS**

**Sections:**

- 8.41.010 Authority.
- 8.41.020 On-Site Sewer Systems Prohibited.
- 8.41.030 Public Nuisance.

**8.41.010 Authority.**

This chapter is enacted pursuant to RCW 70.90.060 and WAC 246-272-070. The Health Officer has found that continuance of on-site sewage systems in the Ford's Prairie and Waunch's Prairie areas of Lewis County constitutes a hazard by spreading dangerous, contagious or infectious diseases through degradation of the aquifer. [Ord. 1160, 1998; Ord. H98-0327, 1998; Ord. H94-0303 §1, 1994]

**8.41.020 On-site Sewer Systems Prohibited.**

It shall be unlawful for any person, firm or corporation to maintain or use any on-site sewage system to serve any dwelling or other facility where there is a public sewer within two hundred (200) feet of such dwelling or other facility in the Ford's Prairie or Waunch's Prairie aquifer areas. The distance and availability of public sewer shall be as defined in LCC 8.40.070(2)(a)&(b). [Ord. 1160, 1998; Ord. H98-0327, 1998; Ord. H94-0303 § 2, 1994]

**8.41.030 Public Nuisance.**

Use or maintenance of a connected on-site sewage system where prohibited by this ordinance constitutes a public nuisance and shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), and the Court may order such nuisance to be abated at the expense of the defendant. The Health

Officer is authorized and directed to commence legal action to enjoin and abate any such nuisance. [Ord. 1160, 1998; Ord. H98-0327, 1998; Ord. H94-0303 § 3, 1994]

## **Chapter 8.45**

### **SOLID WASTE RULES AND REGULATIONS**

#### Sections:

- 8.45.010 Authority and purpose.
- 8.45.020 Title.
- 8.45.030 Applicability.
- 8.45.040 Owner responsibilities for solid waste.
- 8.45.050 Effective dates.
- 8.45.060 Definitions.
- 8.45.070 Performance standards.
- 8.45.080 Facility Standards.
- 8.45.090 Ground water monitoring.
- 8.45.100 Financial assurance requirements.
- 8.45.110 Permits Required.
- 8.45.120 Permit application and issuance and appeals.
- 8.45.130 Enforcement.
- 8.45.140 Solid waste facilities subject to remedial action measures.
- 8.45.150 Criteria for inert waste.
- 8.45.160 Beneficial use permit exemptions.
- 8.45.170 Fee schedules.

#### **8.45.010 Authority and purpose**

This chapter is adopted under the authority of chapter 70.95 RCW, Solid waste management -- Reduction and recycling, and WAC 173-350 - State Solid Waste Handling Standards, to protect public health, to prevent land, air, and water pollution, and conserve the state's natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling and disposal of solid waste originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs;

(3) Following the priorities for the management of solid waste as set by the legislature in chapter 70.95 RCW, Solid waste management -- Reduction and recycling.

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government related to solid waste;

(5) Requiring solid waste handling facilities to be located, designed, constructed, operated and closed in accordance with this chapter;

(6) Adopting statewide minimum standards for solid waste handling; and

(7) Encouraging the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling.. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302 §1, 1994]

#### **8.45.020 Title.**

This chapter shall be known and shall be cited as the Solid Waste Rules and Regulations of the Lewis County Board of Health.. [H.ORD 041204 § 1, 2004; Ord. H99-301, 1999; Ord. H-94-0302 §2, 1994]

#### **8.45.030 Applicability.**

This chapter applies to facilities and activities that manage solid wastes as that term is defined in LCC 8.45.060. This chapter does not apply to the following:

(1) Overburden from mining operations intended for return to the mine;

(2) Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;

(3) Wood waste directly resulting from the harvesting of timber left at the point of generation and subject to chapter 76.09 RCW, Forest practices;

(4) Land application of manures and crop residues at agronomic rates;

(5) Home composting as defined in LCC 8.45.060;

(6) Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4);

(7) Clean soils and clean dredged material as defined in WAC 173-350-100;

(8) Dredged material as defined in 40 CFR 232.2 that is subject to:

(a) The requirements of a permit issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(b) The requirements of a permit issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(c) In the case of U.S. Army Corps of Engineers civil works projects, the administrative equivalent of the permits referred to in (a) and (b) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2, and 337.6;

(9) Biosolids that are managed under chapter 173-308 WAC, Biosolids management;

(10) Domestic septage taken to a sewage treatment plant permitted under chapter 90.48 RCW, Water pollution control;

(11) Liquid wastes, the discharge or potential discharge of which, is regulated under federal, state or local water pollution permits;

(12) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

(13) Dangerous wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;

(14) Special incinerator ash regulated under chapter 173-306 WAC,

Special incinerator ash management standards;

(15) PCB wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:

(a) PCB household waste; and

(b) PCB bulk product wastes identified in 40 CFR Part 761.62 (b)(1) that are disposed of in limited purpose landfills;

(16) Radioactive wastes, defined by chapter 246-220 WAC, Radiation protection -- General provisions, and chapter 246-232 WAC, Radioactive protection -- Licensing applicability;

(17) Landfilling of municipal solid waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

(18) Drop boxes used solely for collecting recyclable materials;

(19) Intermodal facilities as defined in LCC 8.45.060; and

(20) Solid waste handling facilities that have engaged in closure and closed before the effective date of this chapter;

(21) Nothing in these rules and regulations is intended to supersede the provisions of the Lewis County Right to Farm Ordinance, to the extent that such Ordinance is consistent with the minimum standards of Chapters 70.05 and 70.95 RCW and Chapter 173-350 Solid Waste Handling Standards. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302 §1, 1994]

#### **8.45.040 Owner responsibilities for solid waste.**

The owner, operator, or occupant of any property, premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated on the property. It is a violation of this chapter for any

owner, operator, or occupant to place, maintain, or allow solid waste to remain upon their property without a permit issued under this chapter.. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302A §4-amended, 1998; Ord. H-94-0302 §4, 1994].

#### **8.45.050 Effective dates.**

(1) Effective dates – new facilities. These standards apply to all facilities, except existing facilities, as defined in this chapter, upon the effective date of this chapter.

(2) Effective dates - Existing facilities.

(a) The owner or operator of existing facilities shall:

(i) Meet all applicable operating, environmental monitoring, closure and post-closure planning, and financial assurance requirements of this chapter by February 10, 2005; and

(ii) Meet all applicable performance and design requirements, other than location or setback requirements, by February 10, 2006.

(b) These standards apply to all new solid waste handling units at existing facilities upon the effective date of this chapter.

(c) The owner or operator of existing facilities shall initiate the permit modification process outlined in LCC 8.45.120 by August 10, 2004. If a permit modification is necessary, every application for a permit modification shall describe the date and methods for altering an existing facility to meet (a)(i) through (iii) of this subsection.

(d) The jurisdictional health department shall determine if a new permit application is required based on the extent of the changes needed to bring the facility into compliance.

(e) An existing facility completing closure shall close in compliance with applicable requirements of this chapter.



[H.ORD 041204 § 1, 2004; Ord. H99-0301, 1999; Ord. H-94-0302 §5, 1994]

#### **8.45.060 Definitions.**

When used in this chapter, the following terms have the meanings given below.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks shall not be considered part of the active area of a facility.

(2) "Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

(3) "Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

(4) "Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

(5) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

(6) "Below ground tank" means a

device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

(7) "Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

(8) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

(9) "Buffer" means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

(10) "Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

(11) "Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

(12) "Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

(13) "Clean soils and clean dredged

material” means soils and dredged material that do not contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils, or sediments; or pose a threat to the health of humans or other living organisms.

(14) “Closure” means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

(15) “Closure plan” means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

(16) “Composted material” means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(17) “Composting” means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

(18) “Conditionally exempt small quantity generator (CESQG)” means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

(19) “Conditionally exempt small

quantity generator (CESQG) waste” means dangerous waste generated by a conditionally exempt small quantity generator.

(20) “Container” means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

(21) “Contaminant” means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

(22) “Contaminate” means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

(23) “Contaminated soils and contaminated dredged material” means soils and dredged material that contain contaminants at concentrations which could negatively impact the existing quality of air, waters of the state, soils or sediments, or pose a threat to the health of humans or other living organisms.

(24) “Corrosion expert” means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

(24) “Crop residues” means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

(25) “Dangerous wastes” means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

(26) “Department” means the Lewis County Health Department.

(27) “Detachable containers” means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

(28) “Disposable containers” means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

(29) “Disposal” or “deposition” means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(30) “Domestic septage” means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

(31) “Domestic wastewater facility” means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

(32) “Drop box facility” means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(33) “Energy recovery” means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(34) “Existing facility” means a facility which is owned or leased, and in operation, or for which facility construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes,

regulations and ordinances.

(35) “Facility” means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

(36) “Facility construction” means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

(37) “Facility structures” means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

(38) “Garbage” means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

(39) “Ground water” means that part of the subsurface water that is in the zone of saturation.

(40) “Health Officer” means the Lewis County Health Officer, as defined in Chapter 70.05 RCW, or the Health Officer’s duly authorized representative.

(41) “Holocene fault” means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

(42) “Home composting” means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

(43) “Household hazardous wastes” means any waste which exhibits any of the properties of dangerous wastes that is

exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

(44) “Hydrostratigraphic unit” means any water-bearing geologic unit or units hydraulically connected or grouped together on the basis of similar hydraulic conductivity which can be reasonably monitored; several geologic formations or part of a geologic formation may be grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

(45) “Incineration” means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(46) “Incompatible waste” means a waste that is unsuitable for mixing with another waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

(47) “Industrial solid wastes” means solid waste generated from manufacturing operations, food processing, or other industrial processes.

(48) “Industrial wastewater facility” means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

(49) “Inert waste” means solid wastes that meet the criteria for inert waste in LCC 8.45.150.

(50) “Inert waste landfill” means a landfill that receives only inert wastes.

(51) “Intermediate solid waste handling facility” means any intermediate use or

processing site engaged in solid waste handling which is not the final site of disposal. This includes material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

(52) “Intermodal facility” means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

(53) “Jurisdictional health department” means Lewis County Health Department.

(54) “Land application site” means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agronomic or soil-amending capability.

(55) “Land reclamation” means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using solid waste as a component of fill is not land reclamation.

(56) “Landfill” means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

(57) “Leachate” means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

(58) “Limited moderate risk waste” means waste batteries, waste oil, and waste antifreeze generated from households.

(59) “Limited moderate risk waste facility” means a facility that collects, stores, and consolidates only limited moderate risk waste.

(60) “Limited purpose landfill” means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that

receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

(61) "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

(62) "Liquid waste" means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.

(63) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

(64) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

(65) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(66) "Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

(67) "Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

(68) "Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

(69) "MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3).

(70) "Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

(a) Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as

household hazardous wastes;

(b) Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup -- Model Toxics Control Act, chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor

(c) Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

(71) "Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

(72) "New solid waste handling unit" means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

(73) "Nuisance odor" means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

(74) "One hundred year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

(75) "Open burning" means the burning

of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(76) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(77) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

(78) "Permit" means an authorization issued by the Health Officer which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(79) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

(80) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(81) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

(82) "Point of compliance" means a point established in the ground water by the Health Officer as near a possible source of release as technically, hydrogeologically and geographically feasible.

(83) "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

(84) "Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

(85) “Premises” means a tract or parcel of land with or without habitable buildings.

(86) “Private facility” means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

(87) “Processing” means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

(88) “Product take-back center” means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

(89) “Public facility” means a publicly or privately owned facility that accepts solid waste generated by other persons.

(90) “Putrescible waste” means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

(91) “Pyrolysis” means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(92) “Recyclable materials” means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

(93) “Recycling” means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

(94) “Representative sample” means a sample that can be expected to exhibit the average properties of the sample source.

(95) “Reserved” means a section having no requirements and which is set aside for

future possible rule making as a note to the regulated community.

(96) “Reusable containers” means containers that are used more than once to handle solid waste, such as garbage cans.

(97) “Runoff” means any rainwater, leachate or other liquid that drains over land from any part of the facility.

(98) “Run-on” means any rainwater or other liquid that drains over land onto any part of a facility.

(99) “Scavenging” means the removal of materials at a disposal facility, or intermediate solid waste-handling facility, without the approval of the owner or operator and the Health Officer.

(100) “Seismic impact zone” means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

(101) “Setback” means that part of a facility that lies between the active area and the property boundary.

(102) “Sewage sludge” means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

(103) “Soil amendment” means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage

sludge -- Biosolids and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

(104) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

(105) "Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(106) "Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

(107) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(108) "Storage" means the holding of solid waste materials for a temporary period.

(109) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(110) "Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.

(111) "Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

(112) "Tire-Derived Fuel (TDF)": A fuel derived from waste tires, processed into relatively uniform, flowable pieces of less than six inches in length which serve an end-user as fuel.

(113) "Tire-Derived Material (TDM)": Any rubber, steel or fabric material derived from processing tires or rubber products which are less than six inches in length.

(114) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

(115) "Treatment" means the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

(116) "Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

(117) "Type 1 feedstocks" means source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, preconsumer vegetative food wastes, other similar source-separated materials that the Health Officer determines to have a comparable low level of risk in hazardous substances, human pathogens, and physical contaminants.

(118) "Type 2 feedstocks" means manure and bedding from herbivorous animals that the Health Officer determines to have a comparable low level of risk in hazardous substances and physical contaminants when compared to a type 1



feedstock.

(119) “Type 3 feedstocks” means meat and postconsumer source-separated food wastes or other similar source-separated materials that the Health Officer determines to have a comparable low level of risk in hazardous substances and physical contaminants, but are likely to have high levels of human pathogens.

(120) “Type 4 feedstocks” means mixed municipal solid wastes, postcollection separated or processed solid wastes, industrial solid wastes, industrial biological treatment sludges, or other similar compostable materials that the Health Officer determines to have a comparable high level of risk in hazardous substances, human pathogens and physical contaminants.

(121) “Universal wastes” means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

(122) “Unstable area” means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

(123) “Vadose zone” means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

(124) “Vector” means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

(125) “Vermicomposting” means the

controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

(126) “Waste tires” means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

(127) “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(128) “Wood derived fuel” means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthanate, or copper-chrome-arsenate.

(129) “Wood waste” means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

(130) “Yard debris” means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

(131) “Zone of saturation” means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure. [H.ORD 041204 § 1, 2004; Ord. H99-0301, 1999; Ord. H-94-0302 §6, 1994]

#### **8.45.070 Performance standards.**

The owner or operator of all solid waste facilities subject to this chapter shall:

(1) Design, construct, operate, and close all facilities in a manner that does not pose a threat to human health or the environment;

(2) Comply with chapter 90.48 RCW, Water pollution control and implementing regulations, including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington;

(3) Conform to the approved local comprehensive solid waste management plan prepared in accordance with chapter 70.95 RCW, Solid waste management -- Reduction and recycling, and/or the local hazardous waste management plan prepared in accordance with chapter 70.105 RCW, Hazardous waste management;

(4) Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with chapter 70.94 RCW, Washington Clean Air Act; and

(5) Comply with all other applicable local, state, and federal laws and regulations. [H.ORD 041204 § 1, 2004; Ord. H99-0301, 1999; Ord. H-94-0302A §7 amended, 1998; Ord. H-94-0302 §1, 1994]

#### **8.45.080 Facility standards.**

Department of Ecology Facility Standards Adopted by Reference. The solid waste facility standards contained in Chapter 173-350 WAC, as amended, and as hereafter adopted by Ecology, are hereby adopted by reference. These facility standards include the following:

(1) WAC 173-350-210 Recycling.

(2) WAC 173-350-220 Composting facilities

(3) WAC 173-350-230 Land application.

(4) WAC 173-350-240 Energy recovery and incineration facilities.

(5) WAC 173-350-300 On-site storage, collection and transportation standards.

(6) WAC 173-350-310 Intermediate solid waste handling facilities.

(7) WAC 173-350-320 Piles used for storage or treatment.

(8) WAC 173-350-330 Surface impoundments and tank

(9) WAC 173-350-350 Waste tire storage and transportation, except the following design standards shall apply:

(a) Tires shall not be within fifty feet of a property line or right-of-way, nor within sixty feet of a building or structure.

(b) There shall be a fence not less than six feet in height surrounding the waste tire storage facility and which shall be sufficient in height and length as to obstruct the full view of the piles from adjoining property and public roadways.

(c) The separation between piles of tires shall be a minimum of forty feet and shall be kept free of waste tires.

(d) The Health Officer may require a dirt berm or barrier not less than five feet in height to be erected around each pile of tires;

(e) Where berms or barriers are required, the forty feet will include ten feet at the base of each dirt berm or barrier plus twenty between dirt berms or barriers

(f) Piles of TDM or TDF shall

not be within fifty feet of a property line or right-of-way, nor within sixty feet of a building or structure, and shall be maintained and contained upon a concrete pad (s) or similar solid, impervious surface (s).

(10) WAC 173-350-360 Moderate risk waste handling.

(11) WAC 173-350-400 Limited purpose landfills.

(12) WAC 173-350-410 Inert waste landfills.

(13) WAC 173-350-490 Other methods of solid waste handling. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302 §8, 1994]

#### **8.45.090 Ground water monitoring.**

Department of Ecology Ground Water Monitoring Requirements Adopted by Reference. The ground water monitoring requirements, contained in Chapter 173-350-500 WAC, as amended, and as hereafter adopted by Ecology, are hereby adopted by reference. These requirements include the following:

(1) Ground water monitoring - Professional qualifications.

(2) Ground water monitoring - Site characterization

(3) Ground water monitoring - System design.

(4) Ground water monitoring - Sampling and analysis plan.

(5) Ground water monitoring - Data analysis, notification and reporting. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302 §9, 1994]

#### **8.45.100 Financial assurance requirements.**

Department of Ecology Financial Assurance Requirements Adopted by Reference. Department of Ecology financial assurance requirements, contained in Chapter 173-350-600 WAC, as amended, and as hereafter adopted by Ecology, are

hereby adopted by reference. These requirements include the following:

(1) Financial assurance requirements – Applicability

(2) Financial assurance requirements - Definitions.

(3) Financial assurance requirements - Instrument options

(4) Financial assurance requirements - Eligible financial assurance instruments

(5) Financial assurance requirements - Cost estimate for closure

(6) Financial assurance requirements - Cost estimate for post- closure

(7) Financial assurance requirements - Closure/post-closure financial assurance account establishment and reporting

(8) Financial assurance requirements - Fund withdrawal for closure and post-closure activities. [H.ORD 041204 § 1, 2004; Ord. H-99-0301, 1999; Ord. H-94-0302 §11, 1994]

#### **8.45.110 Permits required.**

(1) No solid waste storage, treatment, processing, handling or disposal site or facility shall be maintained, established, substantially altered, expanded or improved until the person operating or owning such site has obtained a permit or permit deferral from the Lewis County Health Department pursuant to the provisions of this chapter, or a beneficial use exemption from the Department of Ecology pursuant to WAC 173-350-200. Facilities operating under categorical exemptions established by WAC 173-350 shall meet all the conditions of such exemptions or will be required to obtain a permit under this chapter. Persons dumping or depositing solid waste without a permit in violation of this chapter shall be subject to the penalty provisions of RCW 70.95.240 and this chapter.

(2) Permits issued under this chapter are not required for remedial actions performed by the state and/or in conjunction with the United States Environmental Protection

Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree.

(3) Permits issued under this chapter are not required for single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4).. [H.ORD 041204 § 1, 2004; Ord. H01/13/03 §2, 2003; Ord. H-99-0301, 1999; Ord. H-94-0302 §13, 1994]

#### **8.45.120 Permit application and issuance and appeals.**

(1) Permit application process.

(a) Any owner or operator required to obtain a permit shall apply for a permit from the Lewis County Health Department. All permit application filings shall include two copies of the application. An application shall not be considered complete by the Health Officer until the information required under this section has been submitted.

(b) Once the Health Officer determines that an application for a permit is complete, he/she shall:

(i) Investigate every application to determine whether the facilities meet all applicable laws and regulations, conform to the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan, and comply with all zoning requirements; and

(ii) Refer one copy to the appropriate regional office of the Department of Ecology for review and comment;

(c) Application procedures for statewide beneficial use exemptions and permit deferrals are contained in WAC 173-350-200 and 173-350-710(8), respectively.

(2) General permit application requirements.

(a) Every permit application shall be on a format supplied by the Health Officer and shall contain the following information:

(i) Contact information for the facility owner, and the facility operator and property owner if different, including contact name, company name, mailing address, phone fax, and e-mail;

(ii) Identification of the type of facility that is to be permitted;

(iii) Identification of any other permit (local, state or federal) in effect at the site;

(iv) A vicinity plan or map (having a minimum scale of 1:24,000) that shall show the area within one mile (1.6 km) of the property boundaries of the facility in terms of the existing and proposed zoning and land uses within that area, residences, and access roads, and other existing and proposed man-made or natural features that may impact the operation of the facility;

(v) Evidence of compliance with chapter 197-11 WAC, SEPA rules;

(vi) Information as required under the appropriate facility permit application subsection of this chapter; and

(vii) Any additional information as requested by the jurisdictional health department or the Department of Ecology.

(b) Engineering plans, reports, specifications, programs, and manuals submitted to the jurisdictional health department or the Department of Ecology shall be prepared and certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the solid waste facility type or activity.

(c) All applications for permits shall be accompanied by evidence of authority to sign the application and shall be signed by the owner or operator as follows:

(i) In the case of corporations, by a duly authorized principal executive

officer of at least the level of vice-president; in the case of a partnership or limited partnership, by:

(A) A general partner;

(B) Proprietor; or

(C) In case of sole proprietorship, by the proprietor;

(ii) In the case of a municipal, state, or other government entity, by a duly authorized principal executive officer or elected official.

(iii) Applications shall be signed or attested to by, or on behalf of, the owner or operator, in respect to the veracity of all statements therein; or shall bear an executed statement by, or on behalf of, the owner or operator to the effect that false statements made therein are made under penalty of perjury.

(iv) The signature of the applicant shall be notarized on the permit application form.

#### (3) Permit issuance.

(a) When the Health Officer has evaluated all pertinent information, the Officer may issue or deny a permit. Every solid waste permit application shall be approved or disapproved within ninety days after its receipt by the Lewis County Health Department. Every permit issued by Lewis County Health Department shall contain specific requirements necessary for the proper operation of the permitted site or facility.

(b) Every permit issued shall be valid for a period not to exceed five years at the discretion of the Health Officer.

(c) Lewis County Health Department shall file all issued permits with the appropriate regional office of the Department of Ecology no more than seven days after the date of issuance.

(d) The Health Officer is authorized to issue one permit for a location where multiple solid waste handling activities occur, provided all activities meet the applicable requirements of this chapter.

#### (4) Permit renewals.

(a) Prior to renewing a permit, the health department shall conduct a review as it deems necessary to ensure that the solid waste handling facility or facilities located on the site continue to:

(i) Meet the solid waste handling standards of the department;

(ii) Comply with applicable local regulations; and

(iii) Conform to the approved solid waste management plan and/or the approved hazardous waste management plan.

(b) The Health Officer shall approve or deny a permit renewal within forty-five days of conducting its review.

(c) Every permit renewal shall be valid for a period not to exceed five years at the discretion of the Health Officer.

(d) The Department of Ecology shall review the renewal in accordance with RCW 70.95.190 and report its findings to the Health Officer in writing.

#### (5) Permit modifications.

Any significant change to the operation, design, capacity, performance or monitoring of a permitted facility may require a modification to the permit. The following procedures shall be followed by an owner or operator prior to making any change in facility operation, design, performance or monitoring:

(a) The facility owner or operator shall consult with the Lewis County Health Department regarding the need for a permit modification;

(b) The Health Officer shall determine whether the proposed modification is significant. Upon a determination that a change is significant, the owner or operator shall make application for a permit modification, using the process outlined in subsections (1) through (3) of this section; and

(c) If the Health Officer determines that a proposed change is not

significant and does not require a modification to the permit, the Department of Ecology shall be notified.

(6) Permit Denial - appeals.

(a) The Health Officer or his/her designee may deny issuance or renewal of any permit issued under these regulations for:

(i) failure of the holder to comply with the requirements of this chapter or any permit issued pursuant to this chapter, or

(ii) failure to comply with any notice and order issued pursuant to this chapter related to the permitted activity, or

(iii) interference with the Health Officer or his/her designee in the performance of his/her duties, or

(iv) discovery by the Health Officer or his/her designee that a permit was issued in error or on the basis of incorrect information supplied to him/her, or

(v) the dishonor of any check or draft used by the permit holder to pay any fees associated with the permit.

(b) Whenever the Health Officer denies a permit or permit renewal for a solid waste handling facility, the applicant may request a hearing within 10 days before the County Hearing Examiner pursuant to Ch. 2.25 LCC. A hearing will be granted within 30 days

(c) Any party aggrieved by the Hearing Examiner's determination may appeal such denial to the State Pollution Control Hearings Board by filing with the Board a notice of appeal within thirty days after receipt of notice of the determination of the hearings examiner.

(d) If the Health Officer denies a permit renewal for an operating waste recycling facility that receives waste from more than one city or county, and the applicant or holder of the permit requests a hearing or files an appeal under this section, the permit denial shall not be effective until the completion of the appeal process under

this section, unless the Health Officer declares that continued operation of the waste recycling facility poses a very probable threat to human health and the environment.

(e) Procedures for appealing beneficial use exemption determinations are contained in WAC 173-350-200.

(f) Notwithstanding any other provision of this regulation, whenever the Health Officer finds that a violation of this regulation has created or is creating an unsanitary, dangerous or other condition which, in his/her judgement, constitutes and immediate and irreparable hazard, he/she may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

(7) Variances.

(a) Any person who owns or operates a solid waste handling facility subject to a solid waste permit under WAC 173-350-700 may apply to the Health Officer for a variance from any section of this chapter. No variance shall be granted for requirements specific to chapter 70.95 RCW, Solid waste management -- Reduction and recycling. The application shall be accompanied by such information as the Health Officer may require. The Health Officer may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(i) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(ii) Compliance with the section from which variance is sought would produce hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Health Officer has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(c) Any variance or renewal shall be

granted within the requirements of subsections (1) through (3) of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:

(i) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the Health Officer may prescribe;

(ii) The Health Officer may grant a variance conditioned by a timetable if:

(A) Compliance with this chapter will require spreading of costs over a considerable time period; and

(B) The timetable is for a period that is needed to comply with the chapter.

(d) An application for a variance, or for the renewal thereof, submitted to the Health Officer shall be approved or disapproved by the Health Officer within ninety days of receipt unless the applicant and the Health Officer agree to a continuance.

(e) No variance shall be granted by a Health Officer except with the approval and written concurrence of the Department of Ecology prior to action on the variance by the jurisdictional health department.

(8) Permit deferral.

(a) A jurisdictional health department may, at its discretion and with the concurrence of the Department of Ecology, waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other air, water or environmental permits issued for the facility which provide an equivalent or superior level of environmental protection.

(b) The requirement to obtain a solid waste permit from the jurisdictional health

department shall not be waived for any transfer station, landfill, or incinerator that receives municipal solid waste destined for final disposal.

(c) Any deferral of permitting or regulation of a solid waste facility granted by the Department of Ecology or a jurisdictional health department prior to June 11, 1998, shall remain valid and shall not be affected by this subsection.

(d) Any person who owns or operates an applicable solid waste handling facility subject to obtaining a solid waste permit may apply to the jurisdictional health department for permit deferral. Two copies of an application for permit deferral shall be signed by the owner or operator and submitted to the jurisdictional health department. Each application for permit deferral shall include:

(i) A description of the solid waste handling units for which the facility is requesting deferral;

(ii) A list of the other environmental permits issued for the facility;

(iii) A demonstration that identifies each requirement of this chapter and a detailed description of how the other environmental permits will provide an equivalent or superior level of environmental protection;

(iv) Evidence that the facility is in conformance with the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan;

(v) Evidence of compliance with chapter 197-11 WAC, SEPA rules; and

(vi) Other information that the jurisdictional health department or the Department of Ecology may require.

(e) The jurisdictional health department shall notify the applicant if it elects not to waive the requirement that a solid waste permit be issued for a facility under this chapter. If the jurisdictional

health department elects to proceed with permit deferral, it shall:

(i) Forward one copy of the complete application to the department for review;

(ii) Notify the permit issuing authority for the other environmental permits described in (d)(ii) of this subsection and allow an opportunity for comment; and

(iii) Determine if the proposed permit deferral provides an equivalent or superior level of environmental protection.

(f) The Department of Ecology shall provide a written report of its findings to the jurisdictional health department and recommend for or against the permit deferral. The Department of Ecology shall provide its findings within forty-five days of receipt of a complete permit deferral application or inform the jurisdictional health department as to the status with a schedule for its determination.

(g) No solid waste permit deferral shall be effective unless the Department of Ecology has provided written concurrence. All requirements for solid waste permitting shall remain in effect until the Department of Ecology has provided written concurrence.

(h) When the jurisdictional health department has evaluated all information, it shall provide written notification to the applicant and the Department of Ecology whether or not it elects to waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other environmental permits issued for the facility. Every complete permit deferral application shall be approved or denied within ninety days after its receipt by the jurisdictional health department or the owner or operator shall be informed as to the status of the application with a schedule for final determination.

(i) The jurisdictional health department shall revoke any permit deferral

if it or the Department of Ecology determines that the other environmental permits are providing a lower level of environmental protection than a solid waste permit. Jurisdictional health departments shall notify the facility's owner or operator of intent to revoke the permit deferral and direct the owner or operator to take measures necessary to protect human health and the environment and to comply with the permit requirements of this chapter.

(j) Facilities which are operating under the deferral of solid waste permitting to other environmental permits shall:

(i) Allow the jurisdictional health department, at any reasonable time, to inspect the solid waste handling units which have been granted a permit deferral;

(ii) Notify the jurisdictional health department and the Department of Ecology whenever changes are made to the other environmental permits identified in (d)(ii) of this subsection. This notification shall include a detailed description of how the changes will affect the facility's operation and a demonstration, as described in (d)(iii) of this subsection, that the amended permits continue to provide an equivalent or superior level of environmental protection to the deferred solid waste permits. If the amended permits no longer provide an equivalent or superior level of environmental protection, the facility owner or operator shall close the solid waste handling unit or apply for a permit from the jurisdictional health department;

(iii) Notify the jurisdictional health department and the Department of Ecology within seven days of discovery of any violation of, or failure to comply with, the conditions of the other environmental permits identified in (d)(ii) of this subsection;

(iv) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st



as required under the appropriate annual reporting section of this chapter;

(v) Operate in accordance with any other written conditions that the jurisdictional health department deems appropriate; and

(vi) Shall take any measures deemed necessary by the jurisdictional health department when the permit deferral has been revoked. [H.ORD 041204 § 1, 2004]

#### **8.45.130 Enforcement.**

(1) Other Laws, Regulations and Agency Requirements. All solid waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.

Chapter 173-350-WAC, the Minimum Functional Standards for Solid Waste Handling, or as amended, is hereby adopted by reference. If a conflict exists in the interpretation of Chapter 173-350 WAC and these regulations, the more stringent shall apply.

(2) Enforcement Authority. The Health Officer or his/her designee shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer or his/her designee is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

##### **(3) Right of Entry.**

(a) Whenever necessary to make an inspection of a non-permitted site to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer or his/her designee has

cause to believe that a violation of these regulations has been or is being committed by someone not holding a permit issued under this chapter, the Health Officer or his/her designee or his/her duly authorized inspector are exempt from the provisions of Ch. 1.25 LCC and may enter any building, structure, property or portion thereof at reasonable times to inspect the same, but only according to law.

(b) With respect to permit based inspections, the Health Officer, or designee, or duly authorized inspector must be given access to the inspection site, in accordance with the conditions of the permit. If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry.

(4) Violations and Penalties – Persons Requiring a Permit. The requirements in this section apply to all persons which are required to obtain a permit under these regulations, or rules and regulations adopted under them.

(a) Violations - Investigations - Evidence. An authorized representative of the Department may investigate alleged or apparent violations of these regulations. Upon request of the authorized representative of the Department, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves. Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

(b) Notice and Order to Correct Violation.

(i) Issuance. Whenever the Health Officer determines that a violation has occurred or is occurring, he/she shall pursue reasonable attempts to secure voluntary correction, failing which he/she may issue to the property owner or to any person causing, allowing or participating in the violation a written notice and order to correct violation and/or to immediately

cease such work or activity until authorized by the Health Officer or his/her designee to proceed.

(ii) Content and Process.

(A) The Health Officer or his/her designee shall issue such notice and order in writing to the person(s) creating, causing, participating in or allowing the violation.

(B) The notice of violation and order shall contain the following:

(I) The name and mailing address of the property owner or other person(s) to whom the notice of violation is directed by the Health Officer;

(II) A street address or legal description adequate for the identification of the activity, property or portion thereof upon which the violation is based;

(III) A description of the violation and a reference to the nature of the regulation violated which is sufficient to reasonably apprise the recipient of the nature of the violation;

(IV) A statement of the action required or action to be terminated to correct the violation and a time or date by which the corrective action must be completed so as to avoid citation, legal actions for injunction and abatement, or other enforcement actions;

(V) A statement of the possible penalties that may be assessed against the person(s) for each violation while the violation continues;

(VI) A statement that the violation may also constitute a criminal violation for each and every day, or portion of a day, for which the violation continues; and

(VII) A statement describing the appeals process under this section and LCC 2.25 and the time limitations for filing appeal.

(C) The notice shall be served upon the person(s) to whom it is

directed, either personally or by mailing a copy of the notice by certified mail, postage prepaid and return receipt requested, to such persons at their last known mailing address. Proof of service shall be made at the time of service by written declaration under penalty of perjury executed by the party effecting such service, and declaring the date of service and, in the case of personal service, the time of service, and the manner by which service was made.

(iii) Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations issued under this chapter.

(iv) Enforcement of Final Order. If, after any order duly issued by the Health Officer or his/her designee has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer or his/her designee may:

(A) Cause such person to be prosecuted under these regulations; and/or

(B) Institute any appropriate action to impose and collect a civil penalty provided by law; and/or

(C) Abate the health violation; and/or

(D) Pursue any other appropriate remedy at law or equity

(E) Issue a civil infraction under LCC 1.20.040

(v) Written Assurance of Discontinuance. The Health Officer or his/her designee may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter.

(c) Violations - Misdemeanor Penalty. Any person who:

(i) fails, neglects, or refuses to

obey a final order of the Health Officer or his/her designee to correct a violation; or

(ii) fails, neglects, or refuses to comply with a written assurance of discontinuance; or

(iii) operates a solid waste storage, treatment, processing, handling or disposal site or facility without a permit; or

(iv) operates a solid waste storage, treatment, processing, handling or disposal site or facility after a permit has been suspended, or

(v) dumps or deposits solid waste without a permit in violation of this chapter, is guilty of a misdemeanor, and upon conviction, may be punished by imprisonment in the county jail for maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1000), or by both such imprisonment and fine. The court may also impose restitution.

(d) Abatement Orders. In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, the Health Officer or his/her designee may order violation of this chapter to be abated. The effect of the abatement order shall be to require work to be done to correct the violation within a reasonable time period. If the required corrective work is not commenced or completed within the time specified, the Health Officer or his/her designee will proceed to abate the violation and cause the work to be done. The abatement order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, at the owner's last known address. The property owner is responsible for the costs of all corrective action, whether done by the owner or the Department of Ecology or the Health Officer. The Health Officer shall have the

right to collect the amount expended for abatement through appropriate legal action.

(e) Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of this chapter, or rules and regulations adopted under them.

(f) Permit Suspension and Appeal.

(i) Suspension of Permits.

(A) The Health Officer or his/her designee may suspend any permit issued under these regulations for:

(I) failure of the holder to comply with the requirements of this chapter or any permit issued pursuant to this chapter, or

(II) failure to comply with any notice and order issued pursuant to this chapter related to the permitted activity, or

(III) interference with the Health Officer or his/her designee in the performance of his/her duties, or

(IV) discovery by the Health Officer or his/her designee that a permit was issued in error or on the basis of incorrect information supplied to him/her, or

(V) the dishonor of any check or draft used by the permit holder to pay any fees associated with the permit.

(B) Permit suspension shall be carried out according to the notice and order provisions specified in subsection (4). The suspension notice shall inform the holder or operator that upon request, the operator or holder of the permit may receive a hearing on the suspension in front of the Hearing Examiner within thirty days of the request. The notice shall be sent to all interested parties, including the Department of Ecology. The suspension shall be effective upon service of the suspension notice and order upon the holder or operator.

Requests for hearings shall comply with the rules in Ch. 2.25 LCC.

(C) Notwithstanding any other provision of this regulation, whenever the Health Officer finds that a violation of this regulation has created or is creating an unsanitary, dangerous or other condition which, in his/her judgment, constitutes and immediate and irreparable hazard, he/she may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

(ii) Appeals

(A) Whenever the Health Officer suspends a permit for a solid waste handling facility or orders the permit holder to terminate action, the permit holder may request a hearing before the County Hearing Examiner to appeal the suspension. The permit holder must request the hearing in writing within 10 days pursuant to Ch. 2.25 LCC. A hearing will be granted within 30 days.

(B) Any party aggrieved by the Hearing Examiner's determination may appeal to the State Pollution Control Hearings Board by filing with the Board a notice of appeal within thirty days after receipt of notice of the determination of the hearings examiner.

(C) If the Health Officer suspends a permit for an operating waste recycling facility that receives waste from more than one city or county, and the applicant or holder of the permit requests a hearing or files an appeal under this section, the suspended permit shall not be effective until the completion of the appeal process under this section, unless the Health Officer declares that continued operation of the waste recycling facility poses a very probable threat to human health and the environment.

(D) Procedures for appealing beneficial use exemption determinations are contained in WAC 173-350-200.

(E) Enforcement of any notice and order of the Health Officer or his/her designee pursuant to these regulations shall be stayed during the pendency of any appeal under these regulations, except when the Health Officer determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued. [H.ORD 041204 § 1, 2004]

**8.45.140 Solid waste facilities subject to remedial action measures.**

When the owner or operator of a solid waste facility is subject to remedial measures in compliance with chapter 173-340 WAC, the Model Toxics Control Act, the roles of the jurisdictional health department and the Department of Ecology shall be as follows:

(1) The jurisdictional health department:

(a) May participate in all negotiations, meetings, and correspondence between the owner and operator and the department in implementing the model toxics control action;

(b) May comment upon and participate in all decisions made by the department in assessing, choosing, and implementing a remedial action program;

(c) Shall require the owner or operator to continue closure and post-closure activities as appropriate under this chapter, after remedial action measures are completed; and

(d) Shall continue to regulate all solid waste facilities during construction, operation, closure and post-closure, that are not directly impacted by chapter 173-340 WAC.

(2) The department shall carry out all the responsibilities assigned to it by chapter 70.105D RCW, Hazardous waste cleanup -- Model Toxics Control Act. [H.ORD 041204 § 1, 2004]

**8.45.150 Criteria for inert waste.**

DOE Criteria for Inert Waste Adopted by Reference. DOE criteria for inert wastes contained in Chapter 173-350-990 WAC, as amended, and as hereafter adopted by DOE, are hereby adopted by reference. [H.ORD 041204 § 1, 2004]

**8.45.160 Beneficial use permit exemptions.**

Beneficial use permit exemption - Applicability. Any person may apply to the Department of Ecology for exemption from the permitting requirements of WAC 173-350 for beneficial use of solid waste. Applications for permit exemptions shall be prepared and submitted in accordance with the requirements of WAC 173-350-200 subsections (3) and (4). Upon the department's approval of an application for permit exemption, all approved beneficial use of solid waste shall be conducted in accordance with the terms and conditions for approval, as well as those general terms and conditions prescribed in WAC 173-350-200, subsection (2). [H.ORD 041204 § 1, 2004]

**8.45.170 Fee schedules.**

The Department may assess reasonable fees for all permits or other services or actions provided for in this Chapter. The fees shall be charged by the Department in the amounts specified in the Lewis County Schedule of Fees as adopted and undated from time to time by Resolution of the Lewis County Board of County Commissioners; EXCEPT that the Department may charge pro rata fees for those inspections and reviews completed by the Department prior to a written refund request. The fee schedule shall be on file with the Board. [H.ORD 041204 § 1, 2004]